

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

HEARINGS

BEFORE

SUBCOMMITTEE NO. 3

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

FIRST SESSION

ON

H.R. 45 and Related Bills

TO AMEND TITLE 18 OF THE UNITED STATES CODE BY ADDING
A NEW CHAPTER 404 TO ESTABLISH AN INSTITUTE FOR
CONTINUING STUDIES OF JUVENILE JUSTICE

APRIL 28, 1971

AND

H.R. 14950 and Related Bills (91st Cong.)

JULY 23 AND 29, 1970

Serial No. 6

Printed for the use of the Committee on the Judiciary

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INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

WEDNESDAY, APRIL 28, 1971

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 3 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m. in room 2226, Rayburn House Office Building, Hon. Robert W. Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Mikva, Drinan, Railsback, Biester, Fish and Coughlin.

Also Present: Herbert Fuchs, counsel, and Thomas E. Mooney, associate counsel.

Chairman KASTENMEIER. The hearing will come to order.

Subcommittee No. 3 is meeting this morning to receive testimony on H.R. 45, H.R. 46, and H.R. 47, and related bills, to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. These measures have already been the subject of 2 days of public hearings before the subcommittee in the 91st Congress on H.R. 14950 of that Congress.

The bills would create an institute concerned with juvenile delinquency problems. The institute would be entirely independent of existing government departments and agencies. It would create and make available a short term training program for law enforcement officers, welfare workers, juvenile judges and probation and correction personnel. It would also provide an information bank or clearing house for disseminating current data and would provide continuing education for persons working with juvenile delinquency.

Eight bills embodying this legislation have been introduced in the House. The sponsors and cosponsors currently aggregate 103 members, I understand.

A copy of H.R. 45 and a list of the identical House bills and their authors will be inserted in the record at this point.

(The documents referred to follow:)

92D CONGRESS
1ST SESSION

H. R. 45

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1971

Mr. RAILSBACK (for himself, Mr. ADDABBO, Mr. ANDREWS of North Dakota, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BOLAND, Mr. BRADEMAS, Mr. BUCHANAN, Mr. BURTON, Mr. BYRNES of Wisconsin, Mr. CEDERBERG, Mr. CLAY, Mr. COLLINS of Texas, Mr. CONTE, Mr. CORBETT, Mr. CORMAN, Mr. DELLENBACK, Mr. DENT, Mr. EDWARDS of California, Mr. ERLÉNORN, Mr. ESCH, Mr. FINDLEY, Mr. FISH, Mr. FRELINGHUYSEN, and Mr. FULTON of Tennessee) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Part IV of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 chapter:

I—O

1 **"Chapter 404.—INSTITUTE FOR CONTINUING**
2 **STUDIES OF JUVENILE JUSTICE**

"Sec.

"5041. Establishment; purpose.

"5042. Functions.

"5043. Director and staff.

"5044. Powers.

"5045. Advisory Commission.

"5046. Location; facilities.

"5047. Curriculum.

"5048. Enrollment.

3 **"§ 5041. Establishment; purpose**

4 "‘There is hereby established an Institute for Continuing
5 Studies of Juvenile Justice (hereinafter referred to as the
6 ‘Institute’). It shall be the purpose of the Institute to
7 provide a coordinating center for the collection and the
8 dissemination of useful data regarding the treatment and
9 control of juvenile offenders, and it shall also be the purpose
10 of the Institute to provide training for representatives of
11 Federal, State, and local law enforcement officers, juvenile
12 welfare workers, juvenile judges and judicial personnel,
13 probation personnel, correctional personnel, and other per-
14 sons, including lay personnel, connected with the treatment
15 and control of juvenile offenders.

16 **"§ 5042. Functions**

17 "The Institute is authorized—

18 “(a) to serve as an information bank by collecting
19 systematically the data obtained from studies and re-
20 search by public and private agencies on juvenile delin-
21 quency, including, but not limited to, programs for pre-

vention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders;

“(b) to publish data in forms useful to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

“(c) to disseminate pertinent data and studies to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

“(d) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

“(e) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and

“(f) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with juveniles and juvenile offenders.

1 **“§ 5043. Director and staff**

2 “(a) The Institute shall be under the supervision of an
3 officer to be known as the Director of the Institute who shall
4 be appointed by the President, by and with the advice and
5 consent of the Senate, to serve for a term of four years. The
6 Director of the Institute shall receive basic pay at the rate
7 provided for level V of the Executive Schedule under section
8 5316 of title 5, United States Code.

9 “(b) The Director shall have authority to supervise the
10 organization, employees, enrollees, financial affairs, and all
11 other operations of the Institute and may employ such
12 staff, faculty, and administrative personnel as are necessary
13 to the functioning of the Institute. The Director shall have
14 the power to acquire and hold real and personal property
15 for the Institute and may receive gifts, donations, and trusts
16 on behalf of the Institute. The Director shall also have the
17 power to appoint such technical or other advisory councils
18 comprised of consultants to guide and advise the Advisory
19 Commission. The Director is authorized to delegate his
20 powers under this Act to such persons as he deems appro-
21 priate.

22 “(c) If the Office of Director is left vacant, by resigna-
23 tion or otherwise, the President shall appoint a successor who
24 shall serve for the unexpired portion of the term of office.

1 **“§ 5044. Powers**

2 “The functions, powers, and duties specified in this Act
3 to be carried out by the Institute shall not be transferred
4 elsewhere or within any executive department unless spe-
5 cifically hereafter authorized by the Congress. In addition
6 to the other powers, express and implied, the Institute is
7 authorized—

8 “(a) to request any Federal department or agency
9 to supply such statistics, data, program reports, and
10 other material as the Institute deems necessary to carry
11 out its functions. Each such department or agency is
12 authorized to cooperate with the Institute and shall, to
13 the maximum extent practicable, consult with and fur-
14 nish information and advice to the Institute;

15 “(b) to arrange with and reimburse the heads of
16 Federal departments and agencies for the use of per-
17 sonnel or facilities or equipment of such departments
18 and agencies;

19 “(c) to confer with and avail itself of the coopera-
20 tion, services, records, and facilities of State, municipal,
21 or other public or private local agencies;

22 “(d) to enter into contracts with public or private
23 agencies, organizations, or individuals, for the partial
24 performance of any of the functions of the Institute;

1 “(e) to compensate consultants and members of
2 technical advisory councils who are not in the regular
3 full-time employ of the United States, at a rate to be
4 fixed by the Director of the Institute but not exceeding
5 \$75 per diem and while away from home, or regular
6 place of business they may be allowed travel expenses,
7 including per diem in lieu of subsistence, as authorized
8 by section 5703 of title 5, United States Code, for
9 persons in the Government service employed inter-
10 mittently; and

11 “(f) to report to the Congress at appropriate inter-
12 vals on programs which have been implemented with
13 the cooperation of the Institute within and among the
14 several States, and to recommend to the Congress further
15 legislative action which may appear desirable.

16 **“§ 5045. Advisory Commission**

17 “(a) The overall policy and operations of the Institute
18 shall be under the supervision of an Advisory Commission.

19 “(b) The Advisory Commission shall consist of the
20 Director of the Institute, the Attorney General (or his desig-
21 nee), the Director of the United States Judicial Center (or
22 his designee), the Director of the National Institute of
23 Mental Health (or his designee), and fourteen persons hav-
24 ing training and experience in the area of juvenile delin-
25 quency appointed by the President from the following
26 categories:

1 “(1) law enforcement officers (two persons),
2 “(2) juvenile or family court judges (two persons),
3 “(3) probation personnel (two persons),
4 “(4) correctional personnel (two persons),
5 “(5) representatives of private organizations con-
6 cerned with juvenile delinquency (four persons), and
7 “(6) representatives of State agencies established
8 under the Juvenile Delinquency Prevention and Control
9 Act of 1968 or under title I of the Omnibus Crime Con-
10 trol and Safe Streets Act of 1968 (two persons).

11 “(c) Members of the Advisory Commission shall serve
12 for terms of four years and shall be eligible for reappoint-
13 ment, except that for the first composition of the Commis-
14 sion, one-third of the members shall be appointed to one-
15 year terms, one-third to two-year terms, and one-third
16 to three-year terms, thereafter each member's term shall
17 be for four years. Any member appointed to fill a vacancy
18 occurring prior to the expiration of the term for which
19 his predecessor was appointed, shall be appointed for the
20 remainder of such term. Any member of the Commission
21 may be removed by the President for inefficiency, neglect
22 of duty, or malfeasance in office.

23 “(d) While performing their duties, members of the
24 Commission shall be reimbursed under Government travel
25 regulations for their expenses, and members who are not

1 employed full time by the Federal Government shall receive
2 in addition a per diem of \$100 in lieu of subsistence, as au-
3 thorized by section 5703 of title 5, United States Code, for
4 persons in Government service employed intermittently.

5 “(e) The Director shall act as Chairman of the Advi-
6 sory Commission. The Commission shall establish its gov-
7 erning rules of procedure.

8 **“§ 5046. Location; facilities**

9 “(a) A suitable location for the Institute shall be selected
10 by the Advisory Commission.

11 “(b) Following the selection of a location for the Insti-
12 tute, the Director, with the approval of the Advisory Com-
13 mission, shall—

14 “(1) acquire such property as has been selected
15 pursuant to subsection (a), and

16 “(2) make such arrangements as may be necessary
17 or desirable for the construction, equipping, and physical
18 organization of the Institute.

19 **“§ 5047. Curriculum**

20 “The Advisory Commission shall design and supervise a
21 curriculum utilizing a multidisciplinary approach (to include
22 law enforcement, judicial, correctional and welfare as well
23 as probation disciplines) which shall be appropriate to the
24 needs of the Institute’s enrollees.

1 **“§ 5048. Enrollment**

2 “(a) Each candidate for admission to the Institute
3 shall apply to the State agency established under the Juvenile
4 Delinquency Prevention and Control Act of 1968 (82 Stat.
5 462; 42 U.S.C. 3801 et seq.), or the State agency estab-
6 lished under title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.),
8 in the candidate’s State. The State agency or agencies shall
9 select an appropriate number of candidates and forward their
10 applications for admission to the Director of the Institute.
11 The Director shall prescribe the form of all applications for
12 admission to the Institute and shall make the final decision
13 concerning the admission of all students or enrollees.

14 “(b) While studying at the Institute and while travel-
15 ing in connection with his study, including authorized field
16 trips, each student or enrollee in the Institute shall be al-
17 lowed travel expenses and a per diem allowance in the
18 same manner as prescribed for persons employed intermit-
19 tently in the Government service under section 5703 (b) of
20 title 5, United States Code.”

21 SEC. 2. The table of contents to “PART IV—CORRECTION OF
22 YOUTHFUL OFFENDERS” of title 18, United States Code, is
23 amended by inserting after

"403. Juvenile delinquency----- 5031"

1 the following new chapter reference:

"404. Institute for Continuing Studies of Juvenile Justice----- 5041".

2 SEC. 3. There are authorized to be appropriated such
3 sums as may be necessary to carry out the provisions of
4 this Act.

LIST OF IDENTICAL MEASURES, AUTHORS AND COSPONSORS

92^D CONGRESS
1ST SESSION**H. R. 45****A BILL**

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. RAILSBACK, Mr. ADDABBO, Mr. ANDREWS, of North Dakota, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BOLAND, Mr. BRADEMAS, Mr. BUCHANAN, Mr. BURTON, Mr. BYRNES of Wisconsin, Mr. CEDERBERG, Mr. CLAY, Mr. COLLINS of Texas, Mr. CONTE, Mr. CORBETT, Mr. CORMAN, Mr. DELLENBACK, Mr. DENT, Mr. EDWARDS of California, Mr. ERLNBORN, Mr. ESCH, Mr. FINDLEY, Mr. FISH, Mr. FRELINGHUYSEN, and Mr. FULTON of Tennessee

JANUARY 22, 1971

92^D CONGRESS
1ST SESSION**H. R. 46**

By Mr. MIKVA, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER of West Virginia,, Mrs. HECHLER of Massachusetts, Mr. HELSTOSKI, Mr. HOWARD, Mr. HUNGATE, Mr. KUYKENDALL, Mr. McCLOSKEY, Mr. McDADDE, Mr. McDONALD of Michigan, Mr. MADDEN, Mr. MANN, Mr. MATSUNAGA, Mr. MICHEL, Mr. MOSS, Mr. MYERS, Mr. PODELL, Mr. PRICE of Illinois, Mr. QUIE, Mr. REES, Mr. RODINO, Mr. SCHNEEBELI, and Mr. SMITH of New York

JANUARY 22, 1971

92D CONGRESS
1ST SESSION

H. R. 47

By Mr. BIESTER, Mr. STEIGER of Wisconsin, Mr. SYMINGTON, Mr. THOMPSON of Georgia, Mr. TIERNAN, Mr. VANDER JAGT, Mr. WIGGINS, Mr. CHARLES H. WILSON, Mr. WRIGHT, Mr. WYATT, Mr. YATES, Mr. BIAGGI, and Mr. SANDMAN

JANUARY 22, 1971

92D CONGRESS
1ST SESSION

H. R. 333

By Mr. PETTIS

JANUARY 22, 1971

92D CONGRESS
1ST SESSION

H. R. 960

By Mr. MYERS

JANUARY 22, 1971

92D CONGRESS
1ST SESSION

H. R. 6392

By Mr. NIX

MARCH 18, 1971

92D CONGRESS
1ST SESSION

H. R. 7351

By Mr. RAILSBACK, Mr. MIKVA, Mr. BIESTER, Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BEGICH, Mr. BELL, Mr. BLACKBURN, Mr. BRASCO, Mr. BROWN of Michigan, Mr. CARNEY, Mr. COLLINS of Illinois, Mr. CORDOVA, Mr. COUGHLIN, Mr. DANIELSON, Mr. DICKINSON, Mr. DRINAN, Mrs. DWYER, Mr. FORTSYTHE, Mr. FRASER, Mr. FRENZEL, Mr. GIBBONS, Mr. GUDE, Mr. HANLEY, and Mr. HANSEN of Idaho

APRIL 7, 1971

92^d CONGRESS
1ST SESSION

H. R. 7352

By Mr. RAILSBACK, Mr. MIKVA, Mr. BIESTER,
Mrs. HICKS of Massachusetts, Mr. HILLIS,
Mr. MORSE, Mr. MOSHER, Mr. MURPHY of
New York, Mr. O'NEILL, Mr. NIX, Mr.
PREYER of North Carolina, Mr. RONCALIO,
Mr. ROSENTHAL, Mr. ROSTENKOWSKI, Mr.
RYAN, Mr. SARBANES, Mr. SCHWENGEL, Mr.
SHOUP, and Mr. J. WILLIAM STANTON

APRIL 7, 1971

Few would deny the urgency of legislative action that will review and strengthen our policies and practices in the area of juvenile justice. On the other hand, the Chair notes that at the hearings on the 91st Congress measure, witnesses from the Department of Justice and the Department of Health, Education, and Welfare, while enthusiastically endorsing the objectives of the bill, asserted that those objectives are now being pursued under the Law Enforcement Assistance Act and other existing law. They questioned the need for an additional agency to pursue the same ends in substantially the same way. Witnesses who have light to throw on this issue should feel free to do so.

Before we call our witnesses, I would like to call on the gentleman from Illinois, Mr. Railsback, the principal sponsor of the measure, who in the 91st Congress contributed to the consideration of this measure so seriously, for comment.

Mr. RAILSBACK. Mr. Chairman, my remarks will be very brief. I want to thank you for all of the consideration that you have given to those of us who have cosponsored this measure. I am very pleased to report that in the House of Representatives we have 103 sponsors, and I particularly want to thank my colleague from Illinois, Congressman Abner Mikva, and I want to thank my colleague from Pennsylvania, Congressman Biester, both of whom sit on the subcommittee.

I am more convinced than I have ever been that our juvenile justice system has not been coordinated, and has not been operating as effectively as it can. I think there is too much fragmentation. I think there is a need for some kind of a sharing of expertise and dissemination of exactly what is going on in the field of juvenile delinquency. And I want to say that my experience goes back to the days of the Illinois Legislature when, with Mr. Mikva, we worked a juvenile reform act which we think has greatly improved the system of juvenile justice in the State of Illinois.

My concern is that our correctional institutions, instead of rehabilitating, have been making adult criminals out of one-time youthful offenders. I can't help but think that this legislation is unique in that it would bring together under one roof for the first time, a multidiscipline approach. This bill would not just provide for law enforcement but, also, the means whereby probationary, judicial, and correctional personnel together could share their training and expertise. This legislation would focus attention on what I really think is a most significant part of the crime problem.

I want to thank Senator Bayh and Senator Percy who have taken the leadership in the Senate, and I understand that they have a substantial number of cosponsors over in the Senate. So we are optimistic, and we are grateful to you for giving us this hearing, Mr. Chairman.

Mr. KASTENMEIER. The gentleman from Illinois. Do you have any statement, Mr. Mikva?

Mr. MIKVA. No, except to join my colleague, Mr. Railsback, in thanking the chairman for making this one of the first orders of business. I think the juvenile justice system in this country has not been producing the results we need, and that this bill and the hearings on this bill can shed some much-needed light.

Mr. KASTENMEIER. The gentleman from Pennsylvania, Mr. Biester.

Mr. BIESTER. I simply would add to what Congressman Mikva has said, and also would point out that it is interesting that the three

cosponsors in the House, who have organized the sponsorship list, are sitting on one committee, and I assure the chairman that there has been no ulterior motive involved in that, no conspiracy.

I think that what the gentleman from Illinois, Mr. Railsback, has said is correct. My experience in the juvenile field goes back to a time when I served in a prosecutor's office, and also as the son of a judge who dealt frequently with juvenile matters. The frustration that the entire juvenile system experiences with the lack of options available to the judges and to those who work in the system, is terribly discouraging.

If only we could construct a juvenile system of justice that could touch effectively the lives of young people at the ages of 14, 15, 16 in such a way as to preclude their continuing to engage in criminal activity as they grow to 25 and 30, we would not only rescue the lives of some very precious people but also cut the rate of criminal activity in this country by a greater and a more substantial amount than we could by any other single gesture.

Mr. KASTENMEIER. Thank you. The Chair would only say that I hope this panel can get a critical, penetrating, and objective analysis of this legislation before us.

The subcommittee is honored this morning to have as its first witness the distinguished Senator from Indiana, the Honorable Birch Bayh, who is chairman of the Senate Subcommittee To Investigate Juvenile Delinquency, and who, according to Monday's Congressional Record, is about to hold public hearings on juvenile confinement institutions and correctional systems.

We compliment him on his past actions and activities and on this hearing.

Beyond this, the subcommittee will receive testimony from four distinguished juvenile judges and from a representative of the American Parents Committee.

Senator Bayh, we are very honored that you should come before us this morning and you are most welcome. We are anxious to hear your remarks.

STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator BAYH. Thank you very much, Mr. Chairman. Would it be appropriate for me to ask my chief counsel, Mr. Speiser, to join me?

Mr. KASTENMEIER. Mr. Speiser is well known to this committee and is also most welcome.

Senator BAYH. Mr. Chairman, members of the committee, it is a privilege for me to have the opportunity to be here this morning and to share just a few quick thoughts.

Senator Percy and I have been successful in persuading somewhere in the neighborhood of 20 of our colleagues to support a similar bill in the Senate. I think perhaps my most significant mission here this morning is to indicate to those of you who are already extremely familiar with the content of this bill the willingness of those of us in the Senate who are specifically assigned to this task to cooperate with you in any way and every way that we can.

I am relatively new in the role of chairman of a subcommittee on juvenile delinquency. We have held some oversight hearings. We do

have a hearing on juvenile institutions planned. This bill will be given the most careful consideration and, since I am one of the cosponsors in the Senate, I will examine this field as you suggested the committee should, to make certain that it is as good as we can make it.

If I might suggest, rather than just rambling on in somewhat traditional senatorial manner, it might be helpful if I would just read this statement. I think that I can read it in about 6 minutes. If I try to abbreviate and extemporize, it might take 16. If you have no objections, I will read the statement.

Mr. KASTENMEIER. No objection at all, and your own experience conforms to that of this committee as to whether reading prepared statements is a briefer exercise than extemporizing.

Senator BAYH. Yes; I think that the remarks that I have to be directed to H.R. 45, H.R. 46, and H.R. 47, and S. 1428 apply equally, because I think they are just about identical, if not specifically identical.

I am honored to have a chance to share these thoughts with this committee that has the initial responsibility in the House for examining the legislation designed to establish an institute for continuing studies of juvenile delinquency. Although there is a great need for new research on juvenile delinquency and youth crime, it seems to me there is even a greater need to find more effective ways of utilizing the studies and findings that have been produced thus far.

The academic community and Government alike have been involved in many facets of crime and delinquency research. A mass of material has been published in these areas over the years.

I have been interested in juvenile delinquency for a long while, but it wasn't until I became chairman of the subcommittee that I had an opportunity to really look at the volumes of material that are now available. Numerous studies have been conducted already.

Yet, we have lacked an effective clearinghouse, a central source where delinquency research could be put to maximum use and from which it could be channeled to correctional systems in the States, cities, and counties throughout the Nation.

It is vitally important at all levels of crime control that we employ properly trained and qualified personnel. Today, the facilities for such training are grossly inadequate.

These are the main reasons why we should have a central continuing institute for delinquency research and for training.

So many times in the past there has been wasteful duplication of research and demonstration projects. Much of past research has covered the same ground without an effort to build on previous studies on a systematic basis.

The knowledge acquired has not been used; the people in the correctional field have not been trained; and thus, the offenders have not been rehabilitated.

The tragic figures disclose that more than 70 percent of offenders in correctional institutions are repeaters. This is hardly surprising when we know that less than 5 percent of the personnel who handle these offenders have even the minimum generally accepted qualifications for working in the field of correctional treatment and rehabilitation, and only 5 percent of all correctional institutional dollars are spent for correctional and rehabilitation programs. I emphasize: for correctional and rehabilitation programs.

The real tragedy in all this is that young people are proportionally the most important contributors, or the greatest contributors, to the crime problem. Between 1960 and 1969, juvenile arrests increased 90 percent. For violent crimes this increase has been 148 percent during the same period. Another study indicates that of those offenders under 20 released from institutions in 1963, 74 percent were rearrested by 1969.

So, for young people, we find that recidivism is an even greater problem than for adults. I consider these statistics staggering proof of our failure in the correction and rehabilitation of delinquents.

I also consider them sufficient proof that what has been done in the field up until now has been sadly deficient. A separate institute for juvenile delinquency research and for the training of correctional personnel is a promising proposal.

I believe it is particularly important that the institute be independent of any other agencies or departments of the Government.

I am, of course, aware that the Department of Health, Education, and Welfare and, to some extent, the Department of Justice have been involved in crime and delinquency research and in related matters. Other departments, such as Labor and Housing and Urban Development, have also had some programs aimed at juvenile delinquency prevention and control.

Mr. Chairman, it is clear, however, that through the years these departments have not achieved the kind of synthesis of knowledge, training programs, and exchange of information that we must have and that we should expect from the Institute for Continuing Studies which brings us together today.

Perhaps the redtape, the wide range of administrative functions, the fragmented responsibilities and the other trappings of bureaucracy make it impossible for the administrative departments to place the necessary emphasis on research and training.

We know from studies of administrative organizations that unless a function receives sufficiently high position in the hierarchy, it tends to be neglected and performs inadequately. I believe that this has been the problem with correctional research and training in the Government.

An independent Institute concerned solely with the functions of research and personnel training will do far better than any Government department with multiple responsibilities.

Mr. Chairman, I think we need the Institute as proposed in the bill before you to attract the best qualified staff, to attract the students with the highest potential for contribution to the correctional field and to develop uniform training for correctional personnel throughout the Nation.

I would hope that with the establishment of the Institute we will have turned over a new leaf in the story of juvenile delinquency in this Nation. I hope with a great deal of confidence that the Institute will help us find answers to the delinquency problem that unquestionably we lack today.

At the same time, however, I want to point out a few changes that I think should be made in the provisions of the bill.

Going through the bill, I find that the paragraphs dealing with the purpose and functions of the Institute are excellent.

I would suggest a change in the following paragraph which deals with the Director and the staff.

As proposed, the Director is appointed by the President for a 4-year term.

I strongly recommend that the Director be made eligible for reappointment.

As you know, Mr. Chairman, members of the Advisory Commission discussed in the next section, are eligible for reappointment.

It is even more important that the possibility of reappointment be extended to the Director.

We need a good man for this job. A single 4-year term would discourage many qualified people who hold permanent positions in areas of crime control relating to juveniles.

I think, in all honesty, we have to point out that the bill, as it is now drafted does not specifically exclude reappointment but I think we are asking for trouble if we say specifically in the language that the Commission can be reappointed and we do not mention this so far as the Director is concerned.

Even more important, research is a long range proposition. To make it truly continuous and accumulative, to use it for training of personnel, the man in charge of these complex operations should not be arbitrarily replaced each 4 years.

Particularly with respect to the Institute, we do not want fragmentation of research. We do not want the kinds of changes that can wipe out past accomplishments with the change of administration and with the change of policy. These are the problems we have had in Government. These are reasons why we have failed to synthesize delinquency research and delinquency knowledge.

The other suggestion I have, refers to the composition of the Advisory Commission.

The bills limit membership to individuals within specific occupational categories with various types of expertise. I don't take issue with this, Mr. Chairman and members of the committee, I think it is important to give some direction as to what areas we think should be included, but conspicuously absent are scientists from the academic field in the areas of social and behavioral sciences.

The main functions of the Institute would be research and training. I think it is irreconcilable that disciplines most relevant to these areas are not represented on the governing board that is charged with establishing policy for the operations of the Institute.

Mr. Chairman, I don't think that the Commission should be controlled by scientists and students in these fields. I think the type of witnesses that you have here today, one of whom is one of our distinguished jurists from Indiana, that have dealt with the problem on a day-by-day basis and know the practical aspects should have maximum input. But, I think also we should have those who in the academic fields have devoted their lives to the study of these issues.

Mr. Chairman, these are the main suggestions I have that I think would significantly improve this bill. Aside from that, I have indicated my strong support for this measure. It, undoubtedly, is not the last word on the subject of juvenile delinquency prevention and control. I have under consideration, as I am sure you do and other members of this committee do, a number of other proposals which would be aimed at improving correctional programs and facilities at the State and local levels. However, these proposals could be coordinated with

the functions of the proposed Institute which I believe will help us at long last, to make some headway in diminishing the delinquency problem.

Mr. KASTENMEIER. Thank you very much, Senator Bayh, for your very helpful statement. Is the bill as introduced in the Senate, identical with that as introduced in the House?

Senator BAYH. Yes, to my understanding it is.

Mr. KASTENMEIER. Is the bill as introduced in the Senate also identical with the bill as introduced last year in the 91st Congress?

Senator BAYH. Yes.

Mr. RAILSBACK. It is.

Senator BAYH. Mr. Chairman, you pointed out that last year, despite substantial support for the purposes of this Juvenile Justice Institute, the Nixon administration did not support the proposal.

I hope, if I might respectfully suggest, that the committee will not permit the administration's posture on this matter to diminish its determination to push for meaningful reform of the juvenile justice system. I say this because as we conducted our oversight hearings as part of the committee's effort to learn what had happened, where the weaknesses were and how the funds were expended, I was deeply alarmed at the fact that there were men, and I think men of good conscience, men who really had nothing but a desire to do something about juvenile delinquency, but men who seemed to be enmeshed in what has gone on before. They seemed unable to comprehend that what had been done before had not worked. We looked at one specific figure that was alarming to me. Give or take a few points, between 50 and 55 percent of all serious crimes today are committed by those who are still in their teens.

And, yet when we examined how LEAA funds were being spent, we learned that less than 12 percent is for juvenile problems. Now, we need to sharpen our focus and bring our institutions to bear more effectively on the problems of the juvenile—a major source of our crime problem. I think this Institute is one important step in that direction.

Mr. KASTENMEIER. Of course, I suggested that so that we might not misunderstand to what extent the proposal has support and perhaps lack of support. I think I might also have added that it is undoubtedly true that the administration may well reexamine this proposal and its position in this Congress may not be the same. It may have fewer reservations about the matter, about supporting it.

Nonetheless, this is in fact not a universally supported proposal and, therefore, work does remain for this committee.

I yield to the gentleman from Illinois, Mr. Railsback.

Mr. RAILSBACK. The reference in your statement about the agencies being involved, you mentioned Health, Education, and Welfare, Housing and Urban Development, and also the Department of Justice. I want the Members of this Subcommittee to know that when we initially drafted this bill, and when I say we, I am talking about Mr. Mikva and Mr. Biester and myself, we met with people in the administration and discussed these proposals at length.

I think our experience, at least to me anyway, demonstrates the need for this kind of a central focal point for juvenile affairs. The suggestion was made that we meet with the Justice Department. The Justice Department made certain recommendations to us. Then, we met with Secretary Finch and HEW and they had certain recom-

mendations. But, during the course of our drafting this bill it became apparent to me and I think to the others as well that what we had here is the typical conflict between governmental agencies.

The next thing I knew we had some strong support from Judge Orlando, who was then under consideration for a job with the administration and then, he eventually did not take that job. But, to make a long story short, by the time we were through talking with the different officials in the different agencies, I think it was demonstrated that what we need is one central place to focus on the problems of juvenile delinquency and juvenile affairs. I commend you on your statement. You mentioned in your prepared text what I believe is the real reason why the administration last year did not support the bills. I am optimistic that they will reconsider their earlier position and support it.

Mr. KASTENMEIER. Yes. Senator Bayh, do you have any idea what this program, as contemplated by the bill, might cost, either initially or in subsequent years?

Senator BAYH. No, I don't. I think that is a question that needs to be explored.

Mr. KASTENMEIER. Let the chairman be the first to suggest, with the moneys that we are spending in a wide variety of other areas, that this is an area where there are great humane results to be achieved. But, I think you can put this on a pay-as-you-go basis from the standpoint of what can be saved in lost lives and costs to a community.

In any event, it is probable that it would cost more than existing programs that are proliferated in the Government agencies today, would it not?

Senator BAYH. There is some significant evidence that in the existing programs, the moneys were not used to do this type of thing. That is one thing that I tried to talk very strongly to and perhaps sternly, when Government officials testified before our committee. It seemed to me we had set up programs designed to do a lot of these research projects and they weren't being carried out. These programs were proliferated. So why not consolidate these programs, provide adequate moneys, and thereby generate meaningful research and programs to deal with the problems of juvenile delinquency?

Mr. KASTENMEIER. Am I correct in understanding that there is pending before the Committee on Education and Labor in the House, a bill, H.R. 6247, to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for 5 years, with an annual appropriation of \$75 million.

Generally, would you favor such an approach? Do you think it conflicts with this legislation?

Senator BAYH. No, I am going to suggest over on our side, and you might care to consider over here, that instead of giving a 5-year extension, we grant a 1-year extension and monitor what is done during this period. I don't impugn anybody's motives in wanting these programs but there has been a great emphasis on hardware with little attention given to the necessary court reform and the necessary penal institution reforms, such as the innovative approach underway in California. I plan to go to the west coast and personally survey the probation subsidy program where instead of carting first offenders and juvenile offenders off to a "brick and mortar" institu-

tion, they have a financial arrangement under which the State pays a significant amount to local governments and local court systems that keep youngsters at home under supervision.

They tie this money in with not just locking these youngsters up but making absolutely certain they have the right kind of guidance and counseling to care for them. I want to see if this is working. The early reports are that it is working very well, but I think before we go ahead and write a 5-year extension, I would like to have a look at what is right and what is wrong with this approach.

I see no inconsistency, Mr. Chairman.

Mr. KASTENMEIER. The gentleman from Illinois, Mr. Mikva?

Mr. MIKVA. First of all I want to say that one of the best things that juvenile justice has going for it is the chairman of the Senate subcommittee dealing with the problem of juvenile delinquency. We are all very grateful for your leadership in this.

I think that you put your finger on really the biggest problem of many institutions in Government. In the private sector when a program doesn't work, the automobile doesn't sell, you go back and look to see what is wrong with it and try to do it another way. Unfortunately, we get locked into doing some of our public sector things a certain way and even when they don't work we continue to do them that way.

My colleague, Mr. Railsback, will recall that it was really a frustrating experience as we went to various agencies in the Federal Government, all of them well-meaning people, all of them dedicated people, as you indicated, but, who insisted that any program had to continue under their jurisdiction and roughly in the pattern in which it had been going.

We were told over and over again, "but we're doing this already, we're doing this already." And yet we could never say that what we are doing is clearly not sufficient to the need because we are not saving these lives.

Not only as a sponsor of the legislation but also as a citizen, I am grateful that you have taken such a strong interest. I hope it means that we are finally making a breakthrough here. I find your individual comments on the bill comments that I concur in and I think we ought to try to make the input into that advisory committee as broad as possible and certainly not ignore the disciplines you talk about.

I hope that we can persuade the administration that this kind of a new approach to the problem is necessary. I am glad you feel as strongly about it as you do.

Mr. KASTENMEIER. The gentleman from Massachusetts.

Mr. DRINAN. Thank you very much, Senator, for coming. I wonder if you had given any thought or idea with regard to the composition of the Advisory Commission having young people on it. In the Railsback bill there is no provision for that. You have the establishment with law enforcement officials and so on. I am just wondering whether there should be, in your judgment, specific provision for one or more juveniles, or recent juveniles, on the Commission.

I, for one, feel that there should be, one or two or three. I am certain that, from my background in this area, they have a lot to offer.

Senator BAYH. I don't know, Mr. Chairman, what is protocol. Is it Congressman Drinan, or Father Drinan? Which has the highest prestige?

Mr. DRINAN. Senator Drinan.

Mr. KASTENMEIER. He has that problem all the time.

Senator BAYH. I have had the opportunity to work with the distinguished colleague from Massachusetts in a number of fields, and I have the greatest respect for him. And, I call him Father instead of Congressman because of the honor of the previous title.

I concur that this would be salutary, particularly if we could rely on some of the experiences of the young people who become involved in looking into these problems. A number of our high schools and a number of our communities have responsible youth councils. These youngsters have great insight as to how to handle these problems. I think that is an excellent suggestion.

Mr. MIKVA. If my colleague will yield. I visited Lexington, what used to be called Lexington Farm, the old narcotics institution at Lexington, Ky. There are some exciting new things going on there. One of them is a separate part of the institution that is run by former narcotics addicts, or as they call themselves, "dope fiends."

I can only say that that is the most exciting part of the institution, the kind of breakthroughs that these young people have made in trying to find out the social causes of addiction and hopefully to find some other cure. So, I concur with Congressman Drinan.

Mr. KASTENMEIER. Incidentally, in that connection, with due regard for your work in constitutional matters, with due deference to the Constitution and separation of church and State, we refer to him as Mr. Drinan.

Mr. FISH. Mr. Chairman, if Mr. Drinan would yield, I have a question on this same point.

Mr. DRINAN. Yes.

Mr. FISH. Senator, I notice in your prepared statement, you have made suggestions as to the makeup of the Advisory Commission. There are two groups of people that seem to me to be the people in the adult community who will be in the greatest contact with the youth of the country; namely, the educators and clergy.

Do you have any thoughts on the inclusion of those two categories, either on the Advisory Commission or spelled out in section 1 of the bill?

Senator BAYH. I think this is a salutary suggestion. I thought perhaps those could be included under category five—representatives of private organizations concerned with juvenile delinquency, of which there are four persons. The other categories have two.

I think if you nail it down and say you have to require a member of the clergy, you might get involved in a church-state problem, perhaps not. I think your idea of having people who have experience is a good one. Whether it needs to be enumerated or whether it could be handled by the bill in its present form is a matter of judgment.

Mr. FISH. Thank you.

Mr. KASTENMEIER. The gentleman from Massachusetts.

Mr. DRINAN. Thank you.

Mr. KASTENMEIER. The gentleman from Illinois, Mr. Railsback.

Mr. RAILSBACK. Mr. Chairman, if I might, I think at last year's hearings, when I appeared as a witness, you asked me for some money figures. I now have some money figures which are very tentative. I have not had a chance to discuss them with some of the other people that I think I ought to discuss them with; namely, the cosponsors.

What I would like to do, with your permission, is get these figures to you for the record after I have had a chance to consult with them. They are just an estimate, a rough estimate, based on other Commission figures. We tried to get figures from the FBI Training Academy as to how much it costs to operate that Academy and I believe those figures would represent a very, very modest investment for the tremendous results that the FBI Training Academy has produced in the field of law enforcement.

It is because they can share facilities. They exchange personnel. In other words, there are some real benefits to having that kind of a center, in the case of the FBI Training Academy. They have been able to use talent and expertise from areas that don't require any kind of a new job classification.

That is what I would like to do.

Mr. KASTENMEIER. Without objection, we will, in due course receive for the record, from you, statistics or at least an analysis of costs of the program, after you have had an opportunity to check them.

(Subsequently Mr. Railsback submitted the following:)

Institute for Continuing Studies of Juvenile Justice, fiscal 1972

Staff salaries.....	\$500, 000
Advisory commission.....	65, 000
Reimbursements and contracts.....	625, 000
Enrollees.....	700, 000
Miscellaneous.....	110, 000
Total.....	<u>2, 000, 000</u>

Staff salaries, positions—29:	
Salaries.....	500, 000
Advisory commission, positions, 5 Federal officials, 14 experts:	
Expenses:	
Travel reimbursement.....	15, 000
Per diem.....	50, 000
Reimbursements and contracts:	
Reimbursements—other agencies.....	250, 000
Contract for services.....	275, 000
Consultant expenses and per diem.....	100, 000
Enrollee expenses:	
Travel reimbursement.....	50, 000
Per diem.....	650, 000
Miscellaneous (including operating expenses).....	110, 000
Total.....	<u>2, 000, 000</u>

Staff salaries:	
Director (executive level V).....	36, 000
Assistant director (GS-17).....	35, 000
Staff director (GS-17).....	35, 000
General Counsel (GS-16).....	32, 500
Research director (GS-16).....	32, 500
Professional instructor (GS-14).....	22, 500
Do.....	22, 500
Do.....	22, 500
Assistant instructor (GS-13).....	18, 500
Do.....	18, 500
Do.....	18, 500
Assistant to research director (GS-12).....	15, 000
Research assistant (GS-9).....	11, 000
Do.....	11, 000
Assistant to director (GS-12).....	15, 000

Institute for Continuing Studies of Juvenile Justice, fiscal 1972—Continued

Staff salaries—Continued

Assistant to assistant director (GS-11)	\$13, 000
Assistant to staff director (GS-11)	13, 000
Assistant to general counsel (GS-11)	13, 000
Secretary to director (GS-9)	11, 000
Secretary (GS-7)	9, 000
Do	9, 000
Do	9, 000
Do	9, 000
Stenographer (GS-5)	7, 500
Do	7, 500
Do	7, 500
Clerical assistant (GS-4)	6, 500
Do	6, 500
Do	6, 500
Total salaries	474, 000
Total positions	29
Projection	\$500, 000

Mr. RAILSBACK. I want to commend the witness for his statement and I feel that he made some excellent recommendations which I think we ought to consider and at the same time try to preserve whatever flexibility we want to preserve.

Mr. KASTENMEIER. The gentleman from Pennsylvania.

Mr. BIESTER. Yes, I too would like to thank Senator Bayh for his testimony and his suggestions, particularly in the area of the broadening of the advisory council. I think that the nature of that advisory group will have to be defined and expanded as to the breadth of the expertise, if you will, of the operation.

I also was particularly pleased by his coming down hard in his prepared statement on the human factor in the whole situation which is the nature, the intent and the quality of the personnel dealing with young people. It is not a matter of dollars being thrown at a problem or a matter of buildings to be built to house the problem. It is a matter of people being trained and moved to work at the problem and work at the human level with other people.

Your emphasis on that I found very salutary. We are glad to have you working for us.

Mr. KASTENMEIER. Will the gentleman from Pennsylvania yield?

Mr. BIESTER. Certainly.

Mr. KASTENMEIER. I might also ask this of others, I suppose, if that is the objective, could we do that in the present framework, encourage that sort of approach that you just mentioned without actually going to an institute?

Senator BAYH. The answer, to be perfectly honest, is, yes. In theory it would be possible to work within the present framework. But, we must deal with the practical reality of the problem. The vehicles presently authorized to deal with problems of juvenile delinquency are subject to great temptation. Great pressures come from those who want money to be expended immediately for hardware in the more traditional sense.

That is where all the money is going. It seems to me, Mr. Chairman and members of the committee, the reason that we need a separate institute is so that we say in this area, hands off. Of course, it does

assume an identity of its own which is, as Mr. Mikva pointed out, not always good, but I think in this particular instance we want something that has an identity of its own. We want something that will focus in on research and on training of personnel in this very sensitive area. We talk so much about rehabilitation, and we talk about the horrors of putting young first offenders in with hardened criminals, but, Mr. Chairman, very little has been done.

Mr. KASTENMEIER. Mr. Biester?

Mr. BIESTER. I think I share basically Senator Bayh's answer that what we need is to construct a different platform from which then to move in the human field, rather than in the mortar and the traditional fields we have moved in in the past. I am afraid that simply funding more existing programs or simply reforming existing programs, may leave us in simply the same state we are in now with no real change, no real change in the people, the numbers of people working on the problem or their training and consequently, no real change in the effect that they might have on the children that we are trying to reach.

Mr. KASTENMEIER. The gentleman from New York, Mr. Fish.

Mr. FISH. I have no further questions, Mr. Chairman, but would like to thank the Senator for being with us this morning, for his leadership and important contribution in this field.

Senator Bayh. Thank you very much.

Mr. KASTENMEIER. The gentleman from Pennsylvania, Mr. Coughlin.

Mr. COUGHLIN. Mr. Chairman, I congratulate the Senator. His testimony is very well taken. I just have one specific question. There have been suggestions in your testimony, your prepared testimony, about having scientists from the academic field included in the Advisory Commission and as suggested by Mr. Drinan, that some juveniles be included. The Advisory Commission as proposed in the bill is highly structured. Would you propose restructuring it to permit the adding of additional members to the Advisory Commission in order to permit the scientists and juveniles to be represented on the Commission?

Senator BAYH. I want the broadest representation that we can have but I think there are certain foundation stones that ought to be included. That is why I think we should enumerate including the two areas that I mentioned, and perhaps also provide representation for one or more youngsters.

And, then, in point five, which provides for four representatives from different organizations, it seems to me that we should make sure that specific areas are covered, yet allow for some flexibility in the selection of the members.

Mr. COUGHLIN. Would you consider enlarging the Advisory Commission, though, to permit the addition of these categories?

Senator BAYH. Perhaps it could be enlarged. I think the larger it gets, beyond a certain point, the less efficient it is. You gentlemen need to use your judgment as to where that line is but we are all aware that once that Commission gets beyond a certain point, it's ability to meaningfully discuss the problem and for everyone to have a specific input decreases.

Mr. COUGHLIN. I just wanted to have the Senator's suggestions as to which direction he thought we should go.

Senator BAYH. I am basically in agreement with the bill as presently drafted. I do favor, however, the changes mentioned in my testimony today. Additionally, I think Mr. Drinan's suggestion was a good one.

Mr. COUGHLIN. Thank you, I have no further questions.

Mr. KASTENMEIER. In that connection, in the last Congress, we had before us a proposal to create a commission on marihuana. And, we had before us a witness who spoke in support of the bill, Mr. Buckley, the columnist and well-known political television commentator, who was asked the same question, should we have a young person on this commission and his answer was, "Not unless he were terribly precocious."

In any event, Senator Bayh, I now express the view of every member of the subcommittee, when we say we are most happy to have you come today for your contribution as leadoff witness. We had many questions for you and we appreciated your answers and your help, too, on this.

Senator BAYH. Thank you, Mr. Chairman, you have been very kind. It goes without saying that my committee staff and I are at your disposal. We welcome the opportunity to assist your efforts in this endeavor.

(Senator Bayh's prepared statement follows:)

STATEMENT OF HON. BIRCH BAYH, U.S. SENATOR FROM THE STATE OF INDIANA
REGARDING THE ESTABLISHMENT OF AN INSTITUTE FOR CONTINUING STUDIES
OF JUVENILE JUSTICE

Mr. Chairman, it is a pleasure to appear before your committee in support of the legislation being considered to establish an Institute for Continuing Studies of Juvenile Justice.

Although there is great need for new research on juvenile delinquency and youth crime, there is even a greater need to find more effective ways of utilizing the studies and findings that have been produced thus far.

The academic field and government alike have been involved in many facets of crime and delinquency research. A mass of material has been published in these areas over the years.

Yet, we have lacked an effective clearing house, a central source where delinquency research could be put to maximum use and from where it could be channeled to correctional systems in the states, cities, and counties throughout the nation.

The most vital element at all levels of crime control is properly trained and qualified personnel. Today, the facilities for such training are grossly inadequate.

These are the main reasons why we should have a central continuing institute for delinquency research and for training.

So many times in the past there has been wasteful duplication of research and demonstration projects. Much of past research has covered the same ground without an effort to build on previous studies on a systematic basis.

The knowledge acquired has not been used, the people in the correctional field have not been trained, and the offenders are not being rehabilitated.

More than 70% of offenders in correctional institutions are repeaters. This is hardly surprising when less than 5% of the personnel who handle these offenders have even the minimum generally accepted qualifications for working in the field of correctional treatment and rehabilitation, and when only 5% of all correctional institutional dollars are spent for correctional and rehabilitation programs.

The real tragedy in all this is that young people are proportionally the most important contributors to the crime problem. Between 1960 and 1969 juvenile arrests increased 90%. For violent crimes this increase has been 148%. Another study indicates that of those offenders under 20 released from institutions in 1963, 74% were rearrested by 1969.

I consider these statistics staggering proof of our failure in the correction of delinquents.

I also consider them sufficient proof that what has been done in the field up until now has been sadly deficient. A separate institute for juvenile delinquency research and for the training of correctional personnel is a promising proposal.

I believe it is particularly important that the Institute be independent of any other agencies or Department of the Government.

I am, of course, aware that the Department of Health, Education, and Welfare and to some extent the Department of Justice have been involved in crime and delinquency research and in related matters. Other Departments, such as Labor and Housing and Urban Development, have also had some programs aimed at juvenile delinquency prevention and control.

It is clear, however, that through the years these Departments have not achieved the kind of synthesis of knowledge, training programs and exchange of information that we must have and that we should expect from the Institute for Continuing Studies.

Perhaps the red tape, the wide range of administrative functions, the fragmented responsibilities and the other trappings of bureaucracy make it impossible for the Administrative Departments to place the necessary emphasis on research and training.

We know from studies of administrative organizations that unless a function receives sufficiently high position in the hierarchy it tends to be neglected and performs inadequately. I believe that this has been the problem with correctional research and training in the Government.

An independent Institute concerned solely with the functions of research and personnel training will do far better than any government Departments with multiple responsibilities.

Mr. Chairman, I think we need the Institute as proposed in the Bill before you to attract the best qualified staff, to attract the students with the highest potential for contribution to the correctional field and to develop uniform training for correctional personnel throughout the nation.

I would hope that with the establishment of the Institute we will have turned over a new leaf in the story of juvenile delinquency in this nation. I hope with a great deal of confidence that the Institute will help us find answers to the delinquency problem that we lack today.

At the same time, however, I want to point out a few changes that I think should be made in the provisions of the bill.

Going through the bill, I find that the paragraphs dealing with the purpose and functions of the Institute are excellent.

I would suggest a change in the following paragraph which deals with the Director and the staff.

As proposed, the Director is appointed by the President for a four year term. I strongly recommend that the Director be made eligible for reappointment.

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It is even more important that the possibility of reappointment be extended to the Director.

We need a good man for this job. A single four year term would discourage many qualified people who hold permanent positions in some area of crime control.

Even more important, research is a long range proposition. To make it truly continuous and accumulative, to use it for training of personnel, the man in charge of these complex operations should not be arbitrarily replaced each four years.

Particularly with respect to the Institute we do not want fragmentation of research. We do not want the kinds of changes that can wipe out past accomplishments with the change of administration and with the change of policy. These are the problems we have had in government. These are reasons why we have failed to synthesize delinquency research and delinquency knowledge.

The other suggestion I have refers to the composition of the Advisory Commission.

There are very specific categories of the types of people and types of experiences that should be represented.

Conspicuously absent are scientists from the academic field in the areas of social and behavioral sciences.

The main functions of the Institute would be research and training. I think it is irreconcilable that disciplines most relevant to these areas are not represented on the governing body that is charged with establishing policy for the operations of the Institute.

Mr. Chairman, these are the main suggestions I have that I think would significantly improve this bill. Aside from that, I have indicated my strong support for this measure. It, undoubtedly, is not the last word on the subject of juvenile delinquency prevention and control. I have under consideration a number of other proposals which would be aimed at improving correctional programs and facilities

at the state and local levels. However, these proposals could be coordinated with the functions of the proposed Institute which I believe will help us at long last to make some headway in diminishing the delinquency problem.

Mr. KASTENMEIER. Thank you.

Next, the Chair would like to call the Honorable James C. Gulotta, president of the National Council of Juvenile Court Judges and judge of the Fourth Circuit Court of Appeals, New Orleans.

Judge Gulotta.

STATEMENT OF HON. JAMES C. GULOTTA, PRESIDENT OF THE NATIONAL COUNCIL OF JUVENILE COURT JUDGES AND JUDGE, FOURTH CIRCUIT COURT OF APPEALS, ACCOMPANIED BY HON. MONROE J. PAXMAN, EXECUTIVE DIRECTOR AND FORMER JUVENILE COURT JUDGE

Judge GULOTTA. Good morning, Mr. Chairman and gentlemen. Would you have any objection, Mr. Chairman, if the executive director of the National Council were to accompany me?

Mr. KASTENMEIER. Not at all, sir; you might identify the executive director for our committee and for the reporter.

Judge GULOTTA. The Honorable Monroe Paxman, formerly a juvenile court judge and presently, executive director of the National Council of Juvenile Court Judges.

Gentlemen, I want to thank you sincerely for the opportunity accorded to us, the National Council, to say a few words in connection with this bill, this pending legislation. I have had no experience in connection with off-the-cuff statements before a congressional committee but I would like to summarize, if I might?

Mr. KASTENMEIER. You may do so.

Judge GULOTTA. That is before a congressional committee; I usually sit on your side as an appellant judge. It is awfully strange on this side.

Mr. KASTENMEIER. We will accept your statement in full and make it part of the record, if you like.

Judge GULOTTA. Yes, sir.

(The document referred to follows:)

Mr. Chairman and members of the subcommittee, The National Council of Juvenile Court Judges expresses thanks to you for this opportunity to testify before you and to talk to you on a matter of such serious proportion and of such monumental importance.

As president of the National Council of Juvenile Court Judges, I have—these past two weeks—spoken at considerable length to several members of our Executive Committee regarding the aims and objectives of our own organization in regard to the proposed legislation advocating a National Institute for Continuing Study of the Juvenile Justice System.

And, gentlemen, it is the considered professional opinion of the officers and Executive Committee of the National Council of Juvenile Court Judges that a strong need exists for the establishment of a strong central agency that can speak for the child, and for the people who process the child, and give justice and treatment to the child.

As a result of this thinking on the part of our national organization, I appear here in support of the legislation for the proposed Institute for Continuing Study of the Juvenile Justice System.

We, in the National Council of Juvenile Court Judges, feel the way we do on this matter for a multitude of reasons, the foremost of which centers around concern for the care and welfare of the child.

It appears to many of us involved in the judicial phase of litigation and treatment that the proposed Juvenile Justice Institute would provide opportunities

for all personnel involved in the juvenile justice system to draw on the resources of the Department of Health, Education, and Welfare and the Law Enforcement Assistance Administration. Further, it appears that strong leadership could be provided through an appropriate citizen advisory committee.

The proposed Juvenile Justice Institute could give great thrust and momentum toward gathering of the most practical and useful data available for use in the courts. This could be achieved by issuing practical, down-to-earth, helpful publications on how to get the most effective methods into operation in the maximum number of courts, detention centers, juvenile halls, probation and parole departments, and correctional and rehabilitative centers.

Even though federal funds are available, many valuable programs have been unable to get funded due to the volume of work placed upon fund processors—in addition to the fact that no one agency has the resources to implement justice for the child in calling on available federal funds. It isn't that these hardworking government employees think less of juvenile programs, but rather a case of their being overwhelmed by the sheer volume of applications submitted for processing, and apparently have no specific congressional priority to implement the goals like those specifically contained in the legislation for a Juvenile Justice Institute.

As far as the establishment of the Juvenile Justice Institute, itself, is concerned, the National Council of Juvenile Court Judges feels strongly that one of the primary benefits of such an agency would be its function as a national clearing house for the coordination and dissemination of meaningful research and information.

Historically, there has been a lack of organization among the states in the areas of coordinated research, planning, communication and evaluation. Too often the individual child has suffered because his individual state received and processed fragmented information, or lacked—or even completely misunderstood—the resources and knowledge available to only a few.

And unfortunately, the federal agencies also have had similar problems. They simply are not doing the job. We respect the opinions of representatives of the existing federal agencies who state that their existing services can best solve the problems of delinquency. We do not doubt the sincerity of their intentions. Oceans of studies and projects have been conducted. But they need specific goals and guidelines such as those contained in this legislation for a Juvenile Justice Institute, in order to draw together the conclusions and expertise that are available and convert them into useful, practical publications and training programs that youth workers can immediately apply right on the job.

And I can assure you, gentlemen, that as the president of a national organization representing every state and territory in our nation, the most vital area within this proposed legislation is that of a singular federal agency to serve as a clearing house for all matters concerning youth and delinquency in these United States.

It is understood, of course, that in the final analysis, the success of the proposed Juvenile Justice Institute would depend upon the effective leadership at all levels of government—both state and federal—and a willingness on the part of all departments and agencies involved to pool their resources and work together.

H.R. 45 now wisely calls for representatives of four independent agencies to serve on the advisory board. In order to guarantee a board that will base its direction on practical experience in delivering helpful publications, research results, and training expertise to youth workers on the front lines, perhaps it would be wise for congress to specify its intentions with some particularity. Hopefully, it can be spelled out to select board members who emphasize applied knowledge rather than what may be interesting but mainly theoretical. In some way, this legislation must assure practical results that can immediately be applied. The membership of the advisory board will be the key.

I humbly submit to you that the National Council of Juvenile Court Judges has the respected experience and competence to give wise direction to the Juvenile Justice Institute, since it is the oldest judicial organization in the United States—and the only national organization devoted to training judges and other court-related personnel in the performance of their professional tasks.

The end product of our efforts is, of course, less delinquency.

Thanks to the dedicated men who have preceded me in office, the NCJCJ has—since 1961—developed more than two dozen specialized programs and projects which have been funded by more than 100 foundations, federal agencies, and private corporations, including the Max C. Fleischmann Foundation, the Ford Foundation, the American Bar Endowment, Sears, Roebuck Foundation, the Law Enforcement Assistance Administration, and the National Institute of Mental Health.

During this same ten-year period, the National College of Juvenile Court Judges has conducted 65 training programs for more than 2,000 juvenile and family court judges and a like number of juvenile court personnel. It is, I somewhat immodestly assure you, the most experienced training and publishing organization in the juvenile court field.

Our publications, for example, have a combined circulation of more than 12,000, and deal with juvenile law and court precedents, training and educational activity for judges and court-related personnel, and topics of national interest surrounding the entire judicial system, treatment, and the behavioral and social sciences. One of our books, "Ventures in Judicial Education," is a respected reference in its field.

Our purposes, established as far back as 1937 when our organization was founded, are:

To improve the standards, practices, and effectiveness of the juvenile and family courts of the United States.

To make available the collective experience of all Council members to persons and agencies, both private and governmental, in any manner affecting the juvenile courts.

To encourage and afford opportunity for members to keep abreast of developments and approved principles relating to juvenile courts.

To help in solution of problems peculiar to members as judicial and administrative officials.

To engage in education, training, and research activities to further the previously stated purposes.

In short, gentlemen, we strongly believe in our basic premise that neglected children and young delinquents must be treated and rehabilitated so that they can, as useful citizens, make a positive contribution to American society.

Because of our knowledge and involvement in the juvenile justice system, we not only support the legislation before you, but also encourage you to recommend that meticulous evaluation be given to existing organizations and agencies involved with youth and delinquency prior to the making of the recommendations for the four appointments to the Institute's advisory council.

I humbly submit to you that the success or failure of the proposed Juvenile Justice Institute will correlate to the quality of the representatives appointed to the advisory council—and to the expertise of the private organizations they represent.

Please understand, gentlemen, that the plea I make to you should not be misinterpreted as a request—however so subtly stated—for the inclusion of a representative from the National Council of Juvenile Court Judges on the advisory council.

My bias and prejudice notwithstanding, I do feel the NCJCJ should rank atop the list of organizations you consider—but the same, I'm sure, could be said of the National Council on Crime and Delinquency and other national organizations of like stature.

The prime consideration is, of course, to select the best qualified organizations and personnel available to guarantee as much as is humanly possible the complete success of the Juvenile Justice Institute. For only in proper leadership can the key to effective programs and treatment be found if this nation is to combat delinquency and serve youth. I believe that the Juvenile Justice Institute, if properly staffed and adequately funded, could fulfill the need for a coordinated, orderly approach into the understanding and solving of youth problems in this nation.

Judge GULOTTA. I would like to summarize my statement in the record for about 5 or 10 minutes.

You know, when we received the invitation to appear before the committee, I contacted members of the executive committee, to determine just exactly what position the national council will take. Now, our organization is composed of 1,500 judges. Our budget is about \$330,000 annually. We cover just about 90 percent of the juvenile jurisdiction in this country in representation from these judges.

I felt that in all fairness to the committee, to the council, and to the bill, I should get some concept as to the feelings of members of

the executive committee. I am here, gentlemen, to say to you that without equivocation we support this bill.

Let me tell you why I believe we feel that we are strongly behind this bill. Concisely, there are four reasons. First, Congressman Railsback, I think, articulated very succinctly, the fact that there is need for coordination in this area.

Prior to coming to the appellate court, I had been a juvenile court judge for 10 years. And one of the frustrating things to me was that in dealing with agencies, Federal, State, and private, they were like tentacles, all going in different directions, all overlapping. Now imagine the frustrations that you as a Congressman have, I as a judge have; picture the frustration that a child or a family has in dealing with this agency and that agency.

So this I think is the main thrust of this bill, the coordination. But there is another dimension. Senator Bayh talked about the coordination, and I think this is the main thrust, but there are some other dimensions.

One of the important dimensions is this. Emphasis and focus will be placed by this agency on the problems of juvenile delinquency and youth problems and the problems of juvenile prevention and control.

Now this seems not to say much, but it means something in that emphasis is not focused at this time on the subject matter alone, maybe as a sideline. For 2 years I had the pleasure of serving on our State executive committee of the State agency that administered the funding in our State. I am not on that commission now. It is just impossible. But that thrust was toward hardware and it was toward adult correction, and there were appropriations but in a minimum amount not commensurate with the problem of the juvenile delinquency problem in this country.

I would submit to you, Mr. Chairman and gentlemen of this committee, that in addition to the coordination, that the emphasis would be placed on this bill by this legislation on the juvenile problem, not as a sideline, not as an afterthought, but as a primary objective.

The third thing I think would be accomplished by this legislation and why we support it is that I take a great deal of solace and satisfaction in the fact that there will be an Advisory Committee, an Advisory Committee composed of practical individuals who have had daily contact with the problems as they develop.

You have representatives from Justice. You have probation department services. You have correctional workers, judges; and then you have the four private institutions. I think that a proper perspective for direction would be given to the Director, which I am not so sure is being accomplished at this point.

Father, I share the same feelings as the Senator. I am an Italian Catholic from New Orleans, so I don't know what to say to you, but my feeling is that anyone connected with the question that you asked and certainly, we're most concerned with the children, that could bring a better perspective, an overall perspective on this problem, I think would be of assistance.

I don't know that much about the function of Congress to determine whether or not the committee is too large or too small. A few members of our committee met last night and we have a 40-man executive committee and we are trying to reduce it to 15 because it is unwieldy. These are some of the practical problems. I just don't know

the answer but any perspective, I think, that would be broadened to such an extent that we could move forward in a direct manner would be helpful. One of the problems with juvenile delinquency, I would submit to you, is that it is too complex. You have so many variables that it is really difficult to pin down.

One of the disconcerting things to both you and me is that if you ask me a question I can't give you a direct answer in most instances because the research, the availability of data, the concentration of data, the dissemination of data is so fragmented that nobody knows. I can't tell you, for example, in the State of Louisiana, how many juveniles are in the adult penitentiary, how many people have been in the juvenile courts and have graduated, so to speak, to the adult penitentiary.

Well, it seems to me that without basic concepts of research we just don't know where we are going and I think that this bill would accomplish this. The bill provides scientific gathering of data, training programs, and the dissemination of data.

The fourth reason that I would submit to you gentlemen is something which I think this bill provides and that is that it directs other agencies to submit available information so that this agency can utilize this information thus far gathered by these other agencies.

So, you are really building on that which has come before us and I think that this, while it is not a colorful part of this measure, certainly would have a definitive place in the administration of the operation of this bill.

Now, you might say, why this bill now? You have other agencies. Why do you support it? Why aren't we accomplishing the same thing with other agencies? Well, I think there are two basic reasons why we are really not, at this point, reaching the meat of the coconut, and that is, as presently administered, the juvenile delinquency programs are really a sideline and the emphasis is not where it should be placed. Most of the emphasis is being placed on adult offenses, adult offenders, and adult administration.

I don't find fault with this. I don't find fault with this at all; but I do believe that when you consider that the offenses in this country are being caused 50 percent by teenagers, and historically, I think we are all in about the same age bracket—I don't know whether I am complimenting myself or not, but historically, in the thirties the average age of the offender was in the 30's. Now it is going down to the 20's—the lower 20's. The age is becoming lower and I think it behooves us to take cognizance of this and to look realistically toward the future in ascertaining and believing that we should make a thrust toward emphasis on the juvenile program.

Another thing is that I don't think that the present situation provides for a clearinghouse. I think many of us have used that term, a central clearinghouse, which again is one of the problems of coordination. Now, why am I here? Why am I advocating this to such an extent that I believe we are qualified to pass judgment or to recommend some judgment on this bill? Let me give you just a little background.

We are doing on a private scale and in a private way some of the things that this bill contemplates. We have had 24 diversified types of training programs for judges, for probation staff. We, that is the National Council, have had 65 training programs. We have a summer

college at the University of Nevada, two summer colleges, for judges; for probation officers. We have had training programs for judge and boy communications and judge and police communications.

We have had all related disciplines under 65 different training programs. We have trained over 2,000 judges in this country and over 2,000 probation officers. I respectfully submit to you, gentlemen, that we feel that, as an organization with experience in this area, there is definite need for this. I would hope, Mr. Chairman, and members of the committee, without being boastful in any way, that this bill would contemplate not only those things which possibly Father Drinan—Congressman Drinan—mentioned in connection with the addition of children, that it should have an organization such as the National Council to be one of the private organizations. The National Council on Crime and Delinquency is also another organization that has expertise and I would submit that our organization can be helpful in rendering service to the committee, not because we believe that there is any material gain.

We, very frankly, are the recipient of foundation grants from Fleishmann, Ford, and other foundations, and we are now seeking a research center in the Eastern part of this country. But I would submit that we could offer some service to this Commission and to what is contemplated by this bill, this Institute.

And, again, I appreciate the opportunity of saying a few words today.

Mr. KASTENMEIER. Thank you, Judge Gulotta. You indicate that the National Council of Juvenile Court Judges is an organization of some 1,500.

Judge GULOTTA. Yes, sir; our membership moves up and down from 1,200-plus to 1,500 judges in this country. It is the largest judicial organization in the world. I am the vice president of the International Council of Judges. Judge Hunt of Florida and myself met in Geneva last summer.

So, we have contact. Our publications, sir, reach 12,000 various disciplines and individuals. This costs money to publish. We have a journal; we have a digest of law; we have a new guidebook that goes out. We are trying in some private way to keep people interested, to engender interest, to keep people abreast.

We have legal publications and a digest which keep every judge abreast in this country of the recent decisions of the U.S. Supreme Court and other courts.

Mr. KASTENMEIER. How does the Council go about determining its position on a matter such as this. In this case, how did you determine that you supported it?

Judge GULOTTA. We did not formally vote. We meet once a year at an annual meeting; that is, the general membership. We have an executive committee meeting twice a year. At these meetings we formulate policy measures and policy decisions. I have considered the policy measures which have been introduced, discussed it with members of the executive committee informally, and we decided that this is the position that we should take.

You see, we believe it is our responsibility to take a position, whether it be controversial or not, to take a position on matters that are going on throughout the country and I thought that it was our responsibility, sir.

Mr. KASTENMEIER. In your view, should the Institute be independent of existing Federal agencies?

Judge GULOTTA. Should it be independent?

Mr. KASTENMEIER. Yes.

Judge GULOTTA. Yes, sir; I would think it should be independent and the reason I would say that is I believe that if it is independent, the emphasis would be placed on and the focus would be placed on juvenile prevention. If it is not independent, but a part of some other agency, I am just afraid that it might be lost.

Now, again, sir, I am not knowledgeable enough to know whether it could be combined with some agency and not be lost, but I think that this independent agency might guarantee it.

Mr. KASTENMEIER. Because, on page 5 of your statement, you say H.R. 45 now wisely calls for the representatives of four independent agencies to serve on the Advisory Board, but actually, of course, these officers are not independent; are they?

Judge GULOTTA. You mean, the representatives that would serve on the Advisory Board?

Mr. KASTENMEIER. Yes; don't they represent a point of view of a Government agency?

Judge GULOTTA. You mean they would not be independent so far as the Government agency is concerned or insofar as their organization.

Mr. KASTENMEIER. It would not be independent of existing Federal agencies. They would be representatives of existing Federal agencies; would they not?

Judge GULOTTA. I don't know. For example, suppose that the National Council were a member, or the National Council on Crime and Delinquency—maybe I am missing the point.

Mr. KASTENMEIER. I am thinking of the Attorney General, the Director of the National Institute of Mental Health, and so forth.

Judge GULOTTA. No; I don't guess, sir, that they would be totally independent and I guess that they would have to wear different hats as they served in this capacity, but I would assume that when they are serving in this capacity, their contemplation and their thinking would be with a focus on juvenile justice.

Mr. KASTENMEIER. Would the National Council of Juvenile Court Judges be in a position, do you think, to recommend persons to membership on the Advisory Board?

Judge GULOTTA. I think it would be pleased to do so and add that in the event of this bill we would be pleased to do so and we think we would be helpful to the committee.

Mr. KASTENMEIER. The Chair might point out that when a committee in the House of Representatives asks the House to set up or to ratify a recommendation to create a new commission or a new institute, we run into very great resistance, more so here, I think, than in the other body. We have been prone in the last 5 or 10 years to ask Congress to set up innumerable agencies and commissions, all for good purposes and, therefore, a very special onus falls on us to justify the creation of yet another such agency even though it is to give focus and emphasis and coordination and identification, all words that have been the theme expressed this morning.

Mr. BIESTER. Will the chairman yield at that point?

Mr. KASTENMEIER. Yes; I yield.

Mr. BIESTER. I think that the chairman and I have experienced, perhaps the closest brush with the demise of a commission that one can experience on the floor. We are well aware of the possibilities in this regard.

Mr. KASTENMEIER. Yes; and even existing institutions have their problems. So, I only suggest this as one of the problems that this committee has in terms of what seems to be certainly abstractly and perhaps practically, a very good and sound recommendation.

Judge GULOTTA. You know, Mr. Chairman, last time when we were discussing this bill one of things that we anticipated was the question where you talk about coordination—that you are calling for coordination but really, aren't you fragmenting more? Isn't there more fragmentation? Which I think is, respectfully, if I understand it, your point.

I don't think so, sir. I think that while apparently on the surface it appears to be fragmentation because it is another agency, and everybody is concerned, it is not the reason to effect change. It is a new agency and as such is really not fragmentation. It is a new agency calling for coordination and I think ultimately it will reduce fragmentation. I visualize this bill as a forerunner of further legislation after the research, the data is collected, then, to indicate programs for States and so for further coordination.

Mr. KASTENMEIER. I shall reverse the order and call first on the gentleman from Pennsylvania, Mr. Coughlin.

Mr. COUGHLIN. I have no questions, Mr. Chairman.

Mr. KASTENMEIER. The gentlemen from New York, Mr. Fish.

Mr. FISH. The same conclusion, Mr. Chairman, simply because the judge gave us such a tremendously lucid and tight argument that it is difficult to find anything further to say on the subject.

Mr. KASTENMEIER. The gentleman from Pennsylvania, Mr. Biester.

Mr. BIESTER. I really have no questions. I do, as a sponsor of the bill, appreciate the support that your organization gives the bill and would like to make this observation; that many of us are conscious of the effort that your organization is engaged in, particularly in the recent past, to pull together as well as it can the various fragmented items of information available across the country and to make an effort at dissemination and certainly out of that experience you are aware of the difficulty of doing so and the near impossibility of doing so on the private level and the usefulness of doing a little bit of it even, as a result of the progress that you have made yourself.

Judge GULOTTA. It is, to say the least, frustrating.

Mr. BIESTER. Right.

Mr. KASTENMEIER. The gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I think the judge should be an advocate rather than a judge and I liked his very succinct way of getting right to the heart of the matter. That is exactly what this is meant to do. I, as one of the sponsors, think that he has given us an expertise that we don't have and we appreciate very much his coming.

Mr. KASTENMEIER. The gentleman from Massachusetts, Mr. Drinan.

Mr. DRINAN. I want to thank the judge. I have worked very closely with his distinguished association but I would like his wisdom on a point that has bothered me in connection with this bill. I co-sponsored it but I am wondering more and more what we are going

to do for the group of 17- to 21-year-olds. As every one knows, crime is really escalating in this group. Presumably they would not be covered by the Institute. They are not children and they are not young delinquents. I think the law in almost every State says that if they are over 16 or over 17 they are no longer delinquents. I wonder, Judge, if you have given any thought to that? Should this be expanded or does that make something that we just can't go with?

Judge GULOTTA. Sir, this has been a concern of ours. You know we have an arbitrary breakoff of 17 in some States and 18 in others and it really is not that arbitrary.

Mr. DRINAN. I know.

Judge GULOTTA. In our State, for example—let me just give you this example: In our State there is civil liability on a parent for a child up to 21, yet he has nothing to say. I would suppose that if there is some success and some intelligent approach to the problem of the younger children up to the age of 16, that the people in the adult area will adopt some of the things that are being utilized in the younger area and it could rub off in that respect.

You know, many of the rehabilitative programs today that are being used throughout the country in the adult correctional area were innovated in the juvenile area. The philosophy, the concept, and the things of that nature, the discipline, was used as disciplines as early as 1900–1910. I am hoping, sir, that perhaps this can cross the arbitrary line. It is obviously meant to. How can you say a 17-year-old child should receive certain treatment and a 16-year-old should not.

Mr. DRINAN. Judge, would you suggest, or Mr. Railsback, would you suggest, or any of the cosponsors, that a definition of juveniles be put here in such a way that this institute, when it is functioning, can, in fact, get into the 17 to 21 group and do research and maybe learn something from that? Would that weaken the bill or strengthen it or what?

Mr. RAILSBACK. Yes, my feeling about it is that I would hope that we would not be bound by any kind of arbitrary age figure and I think that your point is very well taken but I think maybe if we define, we end up hurting the cause rather than helping it. And, I think maybe what we could do is make it clear that if this bill is reported out, and into debate on the floor, maybe establish our legislative intent which is to make certain that it is not so restrictive and that it doesn't try to get into those fringe areas which involve people that might be a little bit older than the normal concept of juvenile.

But, I think you ought to do it that way rather than try to define what we mean by juvenile because I think we would end up limiting it rather than broadening it, which is what you are suggesting.

Judge GULOTTA. May I respond, sir?

Mr. DRINAN. Yes.

Judge GULOTTA. I am just wondering if—I see the merit but I am looking at the practical approach in this respect—would we then be diluting it to a point where we are more abrasive to the programs that have affected the adult programs, so to speak? Would we be moving into those areas and again not concentrating on the younger? I would think this might better be—and I just don't know, I am thinking out loud—that this might better be to the younger group

and then taking the experience and applying it to those who are considered adults. I just don't know.

Mr. DRINAN. I suggest that Mr. Railsback, and Judge, I would like your thoughts on this, I really think that hearings on that side might be very advantageous because I have worked in this area of juvenile delinquency and with your organization over a long period of time and I have addressed these seminars of juvenile judges and I think that the key question is this, you take people who are delinquents and you do not actually give them the adversary proceeding and treat them in some type of paternal way with the benefits of the *Gault* decision and so on and really maybe that would be better to be extended to 17, 18, 19, or even 20 or a combination of them. So, I think to isolate them and to say that the 18- and 19-year-old kid is charged with murder or assault, just like a hardened criminal, really negates or diminishes the possibilities or reconciliation or rehabilitation.

I would suggest, Mr. Chairman and Judge, that I for one, would say we just have to go into that before we send a bill along without really any definition of juvenile. Judge, how would you feel about that?

Judge GULOTTA. I can't argue with your premise, sir, I can't really argue with your premise at all. As a matter of fact, my experience dictates exactly concurrent to what you say. One of our criminal judges, when I was on the juvenile bench, called me and asked me whether or not he could use some of our probation services. I couldn't find anything in the law which permitted him to do so and he felt he didn't have services. It was a 17-year-old boy in that case and he had criminal jurisdiction. So, he just obtained the consent of the parents and did it informally, so that there is an overlapping.

As a practical matter, I am just not really equipped to answer the question. I think the hearings would be helpful.

Mr. RAILSBACK. Let me just suggest this to you, that really the purpose of this is, I think, rather modest in scope as all the witnesses have said. It serves a twofold purpose.

One, it acts as an information dissemination center. So the definition of juvenile would help in that respect; the other purpose is training.

The way we envision this training center is that it would be similar to the FBI Academy which has been pretty successful in training law enforcement officers. So, what you would have is the various States recommending or nominating people to come to this institute to be trained and in that respect a definition of juvenile would only serve as a limitation in the training program.

Mr. DRINAN. Thank you very much.

Mr. FISH. Will the gentleman yield further?

Judge, in light of this breakoff point which is now between 17 and 18 in most States as against let's say age 20, you made a statement earlier, I believe, that teenagers alone account for about 50 percent of the offenses in our country. By teenagers, were you carrying it right up through 19 or did you think of—

Judge GULOTTA. No, we were thinking in terms of up to 18. You see, some States have a breakoff age as 18.

Mr. FISH. So, 50 percent of offenses are committed by people under 18?

Judge GULOTTA. Sir, this is my understanding, but you get figures all over the place. You get them from 40 to 50 to 60 but it is our understanding it is approximately 50 percent.

Mr. FISH. Up to 50 percent, at least for those under the age of 18?

Judge GULOTTA. Yes, sir; that is in the general area. I was appalled very frankly at the figures that Senator Bayh gave. I had no knowledge of the recidivism rate. It is appalling.

Mr. KASTENMEIER. Mr. Drinan, do you have any more questions?

Judge GULOTTA. If I may just say this, sir, to Mr. Drinan. I would be afraid to dilute it because I would be afraid that emphasis would be lost right along.

Mr. KASTENMEIER. We compliment you on your statement, Judge Gulotta, as well as on being selected to head a very prestigious organization.

Judge GULOTTA. I think that is the biggest mistake I ever made. Thank you, Mr. Chairman, thank you for your courtesy, gentlemen.

Mr. KASTENMEIER. The Chair notes that both Judge Fields and Judge West are from Indiana. Gentlemen, did you wish to testify together in tandem, or separately?

Judge WEST. He has agreed to let me go with him, sir. That is real kind of him. He is my senior, I think.

Mr. KASTENMEIER. The Chair is happy to greet both the Honorable Everett L. West, judge, Benton Circuit Court, Fowler, Ind., and the Honorable Harold N. Fields, judge, Juvenile Court of Marion County, Indianapolis, Ind.

Judges, you are both welcome before the committee. You are the second and third representatives of the State of Indiana to appear before us this morning on this very important question. Judge Fields, you may read your prepared statement or summarize it.

STATEMENT OF HON. HAROLD N. FIELDS, JUDGE OF THE JUVENILE COURT OF MARION COUNTY, INDIANAPOLIS, IND.

Judge FIELDS. Mr. Chairman and distinguished members of the subcommittee, in my prepared statement I attempted to be brief but in the interest of time, I am going to try to brief the brief.

Mr. KASTENMEIER. Actually, the Chair notes that you have only a three-page statement. If you care to read it in full, I don't think it would take that much time.

Judge FIELDS. I think in the interest of time, I simply would request that it be noted that my personal background is included in the résumé attached to my statement and that the background in my particular court is set out in my preparatory statement and I think I will move directly to my position and my reason for supporting it if that meets with your approval.

Mr. KASTENMEIER. Yes, you may proceed.
(Judge Fields' statement follows:)

STATEMENT OF HAROLD N. FIELDS, JUDGE OF THE JUVENILE COURT OF MARION COUNTY, INDIANAPOLIS, IND., CONCERNING H.R. 45, APRIL 28, 1971

Mr. Chairman and Distinguished Members of the Subcommittee: In the interest of brevity, I will not recite my background in detail, but am attaching a resume thereof to this statement.

I have been a participant, a lecturer and an organizer of various institutes, conferences, seminars, and symposiums involving Juvenile Court judges, Juvenile

Court staffs, police groups, behavioral science groups, and lay groups. In all of these, a multi-disciplinary approach has been used in the training presentation.

The court over which I preside is one of the two separate Juvenile Courts in the state, serving the state's most populous county (approximately 800,000). The court also operates a juvenile detention center (one of seven in the state). Our court has a probation staff of fifty-one persons. Our juvenile detention center has one casework supervisor and six caseworkers, in addition to a part time psychiatrist, one full time and one part time psychologist.

The minimum educational requirement for probation officers in the court and caseworkers at the detention center is a college degree, preferably with undergraduate work in social studies and psychology. The supervisors of this professional staff are required to have a graduate degree in social work or its equivalent. The court's jurisdiction is not limited to matters of delinquency, but extends to related matters as well. In the year 1970, in delinquency matters alone, we had 4,361 petitions in the crime category, and 2,076 petitions in the non-crime category, for a total of 6,437 cases.

There are some three thousand Juvenile Courts in the country, some on part time basis, some on full time basis, some minimally staffed and some with large staffs. Only those courts with large staffs can realistically have pre-service and in-service training programs for their professional staff.

A summer college for judges and referees conducted by the National Council of Juvenile Court Judges provides a multi-discipline approach, but the limitation of the number of trainees precludes meeting the total need, particularly in light of the attrition rate occasioned by elections, reassignment, and appointment or election to Appellate Courts.

In most states some training vehicles are available for judges, probation officers, and related personnel in the form of conferences, institutes and seminars. In addition, there are some available on a regional or national basis. For the most part, however, they are limited either in time, scope, or number of participants.

With regard to probation personnel, the training availability limitations are perhaps more critical due to the high percentage of staff turnover each year. The high turnover is due to proselyting of staff by other courts and agencies utilizing people trained in the social work field, as well as diversion of individuals to other fields. Replacements for losses in probation and casework staff of necessity must be by untrained personnel.

All of this is prefatory to my conclusion that the proposed Institute for Continuing Studies of Juvenile Justice deserves support. I believe that it would fill some definite needs in a total juvenile justice system as well as having an impact in the total field of delinquency prevention for the following reasons:

(1) There would be a collation of statistics available to Congress and states for use in providing legislation designed to assist in delinquency prevention and improvement of the juvenile justice system.

(2) It would provide a means of necessary training on a large scale to meet the immediate needs of those serving in various capacities, including judges, referees, court administrators, professional staff, and all of the associated personnel in the juvenile justice system.

(3) It could provide a realistic picture of the inadequacies of the dispositional facilities available to Juvenile Court judges by lifting the veil from lip service to rehabilitative treatment oriented facilities which provide basically custodial care that effects only protection of the public for the duration of the individual's stay.

(4) It could provide an available pool of capable trained personnel to lessen the recruitment and training problems at the court level.

(5) The opportunity of joint training of greater numbers of persons in the police, court corrections and related fields should improve common effort toward a single goal.

While a graduate degree in social work or its equivalent may be a desirable criteria of training, the simple fact is that the numbers available are insufficient if all courts are to be staffed with personnel trained to capably perform their function.

I appreciate the opportunity to appear before the Committee and feel that I am expressing the view of the many concerned Juvenile Court judges throughout the country.

RÉSUMÉ—HAROLD N. FIELDS—JUDGE OF THE JUVENILE COURT OF MARION COUNTY

Education.—Arsenal Technical High School, Indianapolis, Indiana; Indiana University, Bloomington, Indiana, A.B., 1929; and Indiana University School of Law, Bloomington, Indiana—J.D., 1931.

Experience.—1931-1941—Practice of Law—Marion County, Ind.; 1941-1946—Active Duty—Army of the United States (now retired); 1946-1952—Practice of Law—Marion County, Ind.; and 1953 to date—Judge of Marion County Juvenile Court.

Other Experience.—President of National Council of Juvenile Court Judges. Member of Council of Judges of National Council on Crime and Delinquency; Chairman of Council of Judges of Indiana Council on Crime and Delinquency; Chairman of Committee on Juvenile Procedures of Indiana Judicial Conference; and Chairman (8 years) of Institute for Indiana Juvenile and Criminal Court Judges.

Former Board Member of.—Hawthorne Community Center; Fletcher Place Community Center; Family Service Association; Marion County Child Guidance Clinic.

Lecturer.—Recruit School—Indiana State Police; Recruit School—Indianapolis Police Department; Recruit School—Marion County Sheriff's Department; Recruit School—Indiana Law Enforcement Board; and Various High Schools and Universities.

Judge FIELDS. Mr. Chairman. First, I am here in an individual capacity as a judge, juvenile court, trial court level, by choice, and the pleasure of the voters for 18½ years. This bill, in my judgment, meets a need for judges of the trial court level that has not been met by any existing agencies or efforts although there are those that in part reach some facets of it.

My reasons for thinking that this bill should be supported, I have placed in my prepared statement but I will read them because they are short. First, that there would be a collation of statistics available to the Congress and to the States for use in providing legislation designed to assist in delinquency prevention and the improvement of the juvenile justice system.

Second, that it would provide a means of necessary training on a large scale to meet the immediate needs of those serving in various capacities including judges, referees, court administrators, professional staff and all of the associated personnel in the juvenile justice system.

Third, it would provide a realistic picture of the inadequacies of the dispositional facilities available to juvenile court judges by lifting the veil on lip service to rehabilitative treatment oriented facilities which provide basically custodial care that effects only protection of the public for the duration of the individual's stay.

Fourth, it would provide an available pool of capably trained personnel to lessen the recruitment and training problems at the court level.

Fifth, the opportunity for joint training of greater numbers of persons in police, corrections, and the related fields should improve the common effort toward a single goal.

While a graduate degree in social work or its equivalent may be a desirable criteria for training, the simple fact is that the numbers available are insufficient if all the courts are to be staffed with personnel trained to capably perform their functions.

I appreciate the opportunity to appear before the committee and feel that I am expressing the view of many concerned juvenile court judges throughout the country.

Mr. DRINAN (in the chair). Thank you very much, Judge Fields, for coming and for your fine statement and for your 17 years or more of experience with juveniles. Do you find them better or worse these days?

Judge FIELDS. My caseload increases every year and population load increases but the load increases slightly out of proportion to population.

Mr. DRINAN. Thank you. Do you have any questions, Mr. Railsback?

Mr. RAILSBACK. I just want to thank the judge for his very brief and very good statement. We appreciate having it.

Mr. DRINAN. Mr. Biester?

Mr. BIESTER. The problem has just been complicated even further in addition to Mr. Drinan, Father Drinan, Congressman Drinan, and Senator Drinan, we now have Chairman Drinan, which may resolve the matter permanently.

Mr. DRINAN. I am sorry to be such a problem. You may speak to the issues.

Mr. BIESTER. I want to thank Judge Fields. I think it is useful for us, the committee, to have the information that comes from someone who works at this problem directly day in and day out. I find your endorsement of the bill very gratifying because of its potential impact on your day-to-day work.

Mr. DRINAN. Mr. Fish.

Mr. FISH. Judge, I wonder if I could ask you to elaborate on point No. 3 of the five points that you have just read from your prepared statement, which concerns dispositional facilities available to juvenile court judges and the State because it strikes me as a rather strong condemnation of the facilities available to you. I gather you feel that they are far less rehabilitative and more custodial in order to protect the public.

Judge FIELDS. I would be glad to comment on it. Every State has juvenile court legislation that provides for youth correctional institutions. And, in their purpose in those acts, they have a very nice sounding phrase about the purpose being truly rehabilitative, but along the line somewhere, because of primarily money expenditure despite the sincerity and the efforts of the staff generally speaking, the budget limitations preclude their handling what is their statutory duty.

It is not because of the lack of sincerity or integrity of the personnel involved in the effort. In my own State, as an example, the overcrowding, because of the lack of creation of additional facilities, has brought the average stay down in our boys' school and our girls' school to between 4 and 6 months.

As to most of these youths, particularly those on the lower end of the IQ level, they need vocational training. I think that it speaks for itself that in a 4 to 6 months program you are not going to qualify anybody vocationally to go back into the community equipped for competition with others for employment in the community.

This, in turn, causes them to be returned right back to their prior pattern. In addition, the postrelease effort simply doesn't provide adequate supervision and help when they are back in the community. Most parole officers carry too big caseloads to give enough individual attention, the attention that is actually necessary if they are to hold the gains they have made, whatever they are, in the youth correctional institution.

I don't think this is limited to my State. I think it is common in all States.

Mr. FISH. If I could interrupt, my next question is, having been the president of the National Council of Juvenile Court Judges, do you find that this is a nationwide problem that you are discussing?

Judge FIELDS. Let me put it this way, having been in service at all meetings of the National Council of Juvenile Court Judges, we use a mutual crying towel on what is available after they leave the court level and move into the State corrective treatment level, and the postrelease level thereafter.

Mr. FISH. Entirely inadequate in your view today then?

Judge FIELDS. Yes and I don't think my State is any different than any of the rest of them. Some are better than others. Some are poorer than others. Maybe my State is in the median but the median I do not regard as good enough to accomplish the purpose that is set forth in our various statutes.

Mr. BIESTER. If the gentleman will yield, could I pick it up at that point and then ask the judge if that doesn't generate a feeling of enormous frustration in him at the moment of disposition of the case because he knows he is not dealing in a realistic way with the disposition of the matter before him?

Judge FIELDS. I will merely say this, that I use alternative dispositions to commitment to boys' school and girls' school wherever possible with available private institutional placements.

Mr. BIESTER. That experience is also the same in Pennsylvania, at least in the courts that I am familiar with. The judges feel an enormous frustration.

Judge FIELDS. They also have these frustrations because there are definite limitations on how many placements you can make because of the availability through private institutional sources.

Mr. FISH. Thank you.

Mr. DRINAN. Judge Fields, I wonder if you would have any comment on the approach of the bill that we need an independent agency; do you have any thoughts on should this institute be independent of the Department of Justice and independent of the Department of Health, Education, and Welfare? How would you think about that?

Judge FIELDS. I think it very definitely should be an independent agency and—

Mr. DRINAN. Could you elaborate on that, please?

Judge FIELDS. I think it should draw on other agencies for what they have and what they know, but with all the emphasis based on the number of offenses committed by youth, the problem of attempting to rehabilitate them, I think we need to focus on an agency that has this as a primary duty; that is, to advise Congress and the States' legislatures of deficiencies and to train people to perform capably so that a probation officer will have a common understanding whether he is in Maine or in Texas and, have the possibility of being trained regardless of his prior educational level because there simply are not enough of those coming out of graduate schools to meet the need that exists in the juvenile courts.

Mr. DRINAN. Thank you very much, Judge. Are there other questions? No? We want to thank you once again for coming and for your testimony. We shall now hear from Judge West.

**STATEMENT OF HON. EVERETT L. WEST, JUDGE OF THE BENTON
CIRCUIT COURT OF FOWLER, IND.**

Judge WEST. Gentlemen, did you get the copies of my prepared statement?

Mr. DRINAN. Yes.

(Judge West's statement follows:)

**STATEMENT OF EVERETT L. WEST, JUDGE OF THE BENTON CIRCUIT COURT OF
FOWLER, IND., CONCERNING H.R. 45 APRIL 28, 1971**

Mr. Chairman and Distinguished Members of the Subcommittee: I am pleased to appear before this Subcommittee on behalf of myself and all other judges in the United States who have juvenile court jurisdiction. If I may, I would like to furnish you with my background. I was born in Wabash County, Indiana, graduated from Manchester College, with an AB degree and from DePaul University in Chicago with a JD degree. I served in the United States Army and its Air Force, in the years of '41 through and including '45. I was overseas in the Pacific. I was admitted to practice of law in Indiana in 1949 and in Illinois in 1950. In 1951, I became Prosecuting Attorney of Benton County, Indiana and in 1959, I was appointed Judge of the Benton Circuit Court. Fowler, Indiana is but 29 miles from Purdue University and adjoins Jasper County, which has become the marijuana center of the midwest. Fowler, the county seat, is only 60 miles from Crown Point, the county seat of Lake County, Indiana.

As the Circuit Court Judge, in a county of 12,000 people and 409 square miles, I have general jurisdiction which includes all probate, civil, criminal and juvenile matters. In other words, I wear four hats. It is the juvenile jurisdiction which I shall discuss with you. In my state of Indiana, all juvenile problems must be attended to by a probation officer, and this is true, whether it pertains to the neglect, the dependency or the delinquency of children. The probation officer requests permission of the court to investigate a child and file a report of such investigation, either orally or in writing, and then the Court determines whether or not a formal written petition shall be filed with the court. In the event it is so decided, the petition is filed and a summons (not a warrant) is issued for the child and his parents with a date fixed for hearing. In my part of the State of Indiana, and incidently I have sat as Special Judge in 17 counties in the northwest portion of the state, it was the custom of the court to recommend the obtaining of counsel for the child long before Gault and Winship, if it appeared that the liberty of the child was in jeopardy. Our Code, as many other states, provided that matters in the juvenile court shall be considered civil in nature rather than criminal. In the vast majority of juvenile cases, the results of the hearing indicate the child to be delinquent and the juvenile Judge has but two alternatives. The first is to send the child to the boys or girls school; the second is to place the child on probation.

At this point, I would like to emphasize a fact which I believe to be the most important factor in the determination of Congress to establish a National Institute for the training of probation officers. That fact is this: The probation officer is *not* a police officer. The probation officer is the extension of the arm of the court and, as such, has but two functions. They are: First, the investigation and determination of the facts surrounding the juvenile and the incident involved; and second, once the determination has been made that the child be placed on probation, that of supervision. The Constitution of our state provides that the purpose of law is "reformation not punishment". The vast number of juvenile cases result in the child being placed on probation.

The probation officer in my state is appointed by the court. I have been called upon to make three such appointments. I could not exaggerate how difficult it is in a rural area to find any qualified person who is willing to serve. I was dismayed to learn that if I did find a qualified person, there was no place whatsoever that I could send a candidate for further training. It is true that there have been some institutes that offered further courses in sociology and one in Minnesota gives some excellent training. Again, it is difficult for the small county to obtain any funds whatsoever for providing even this meager training. I also found there are no standards available by which the qualifications of a candidate could be measured. Our state does have a written examination, but, up until very recently, it merely tested the general background of the candidate. Long before H.R. 45, 46 and 47 were prepared, I had urged my fellow judges to see if some training

program could be established at the state level. I believe my colleague, Judge Harold M. Fields, from Indianapolis, can give you some information as to how far this program has progressed in our state.

I have made a survey of 19 counties in northwest Indiana, as to the number and qualifications of probation officers serving a population of 1,063,556. The results are tabulated in Exhibit No. 1 which are attached hereto and made a part hereof.

For the purpose of summarizing, I shall treat Lake County, with its population of 513,269, separately. In this county there are 29 probation officers, of which four are in exclusive supervisory or administrative capacity. The top salary for this group is \$14,000.00 per year and the lowest is \$10,000.00. Of the remaining 25 people engaged in case work, one draws \$9,000.00, twelve draw \$8,400.00 and the other twelve draw \$8,040.00. Of the 29 people involved, ten have had no college training; and five had had no special training. Thirteen are over 50 years of age and six are under 30 years of age. The lowest case load is an average of 10 per month and the highest is 110 per month. Three have police backgrounds. Of the remaining 18 counties, with a population of 450,287 people, there are 23 probation officers of which six are employed only part time. The highest salary is \$10,500.00 and there are nine whose salary is \$6,000.00 or under. There are two counties which employ only part-time officers at \$2,400.00 per year. In my own county, my probation officer is a college graduate with special training and receives but \$3,300.00 per year, on a part-time basis. There are 17 with some college training and 16 with special training. Eight have police backgrounds and three have ministerial backgrounds. There are three who are under 30 years of age and ten who are over 50. Most of the special training consists of sociology courses.

In our local high school, we have guidance counselors who draw from \$10,000.00 to \$16,000.00 per year for helping normal children. The total population of the Junior and Senior High School is approximately 1,800. I would call your attention to the fact that of 52 probation officers who are charged with the responsibility of supervising children who are *ALREADY IN TROUBLE*, there are only five who draw \$10,000.00 or more per year. While money does not necessarily measure success, I suggest that the salaries, as shown, indicate a lack of understanding on the part of the public as to the need of qualified and well-informed professional probation officers. I am aware of much criticism of Juvenile Judges and the Juvenile Court system as it presently exists. Could it be that with such a small number of workers at such a low wage scale, the usefulness of probation has never had a fair trial?

The second function of the proposed Institute is to collect, publish and disseminate pertinent data and information. If properly carried out, this could be of inestimable value to juvenile trial court's probation officers and personnel dealing with juvenile problems. A tragic situation is one in which a Juvenile Judge has made a disposition of a child which in and of itself is not very satisfactory, only to find out much later that there was a better disposition or a better institute or a better opportunity that would have fit the child's needs. This has been an experience of mine on two or three different occasions. No trial judge and no probation officer has at the present time any simple method to find out available programs, other than that of calling the agencies which might be involved. This is time consuming and costly. I believe that there are many million dollar programs which offer solutions to juvenile problems that are not being used simply because we judges are not aware of their availability. I would emphasize that if the proposed Institute could properly catalogue the services available for juvenile problems that it would be of tremendous benefit to all persons working with juveniles.

At the U.N. sponsored Geneva Conference of the International Association of Youth Magistrates which I attended last July, I heard my friend, Sir George Henriques, President of the Court of Appeals of Jamaica, present the following statement which was adopted by the panel involved: "We recognize that children have rights; but it should be emphasized that the public has the right to be protected as to its person and property even from juveniles." I firmly believe that the juvenile courts of this nation, if given the tools of well-trained, well-informed probation officers, who have achieved professional status, can, in fact, protect the public both in person and in property and still avail themselves of the use of probation to reform and to rehabilitate.

I wish to thank the Subcommittee for the privilege and opportunity to express my views on this most important legislation.

EXHIBIT NO. 1.—STATISTICAL DATA FOR 19 COUNTIES IN NORTHWEST INDIANA OF PROBATION OFFICERS

County	Population	Age	Salary	Full time	Education			Special training	Average monthly caseload	Former occupation
					Part time	High school	College			
Benton	11,912	38	3,300	Yes	Yes	Yes	Yes	Yes	20	Minister.
Carroll	16,934	43	7,200	Yes	Yes	Yes	Yes	Yes	20	Welfare department—teacher.
Cass	40,931	62	5,850	Yes	Yes	Yes	Yes	Yes	45	City police department.
Clinton	30,765	40	5,000	Yes	Yes	Yes	Yes	No	100	Minister—still serving.
Fountain	18,706	42	6,600	Yes	Yes	Yes	Yes	Yes	60-70	Teacher—housewife.
Jasper	18,842	49	5,500	Yes	Yes	Yes	Yes	Yes	40	Minister.
La Porte	95,111	31	9,000	Yes	Yes	Yes	Yes	Yes	65-80	Do.
		27	7,500	Yes	Yes	Yes	Yes	Yes	50-65	Student—parole officer.
Montgomery	32,069	57	6,000	Yes	Yes	Yes	Yes	No	130	Police department.
Newton	11,502	54	4,200	Yes	Yes	Yes	Yes	Yes	12	Attorney.
Parke	14,804	62	5,500	Yes	Yes	Yes	Yes	No	50	Teacher and business.
Porter	60,279	50	10,500	Yes	Yes	Yes	Yes	Yes	40	Chief security officer.
		21	6,500	Yes	Yes	Yes	2 years	Yes	15+	Student.
		22	7,000	Yes	Yes	Yes	do	No	50	Do.
		39	8,000	Yes	Yes	Yes	do	Yes	36	Inst. by former probation officer.
Pulaski	12,837	50	2,400	Yes	Yes	Yes	Yes	No	3	Police department.
Starke	17,911	56	2,400	Yes	Yes	Yes	Yes	Yes	20	Police officer.
Tippecanoe	89,122	61	7,700	Yes	Yes	Yes	Yes	Yes	60	Do.
		64	7,700	Yes	Yes	Yes	Yes	Yes	50	Child welfare work.
Vermillion	17,683		5,260	Yes	Yes	Yes	2 years	Yes	20	Manager telephone company
Wabash	32,605	61	5,500	Yes	Yes	Yes	2 years	Yes	30	Police office
Warren	8,545	45	3,000	Yes	Yes	Yes	Yes	No	10	Agriculture.
White	19,709	51	8,400	Yes	Yes	Yes	3 years	Yes	35	Self-employed, theatrical.
White Lake	513,269	52	14,000	Yes	Yes	Yes	3 years	Yes		Chief probation officer—supervision only.
		62	12,000	Yes	Yes	Yes	Yes	Yes		Deputy chief—supervision only
		58	12,000	Yes	Yes	Yes	Yes	Yes	72	Police officer attorney, legal aid.
		67	10,000	Yes	Yes	Yes	Yes	Yes		Deputy chief—supervision only.
		56	9,000	Yes	Yes	Yes	3 years	Yes		Supervisor—intake worker.
		53	8,400	Yes	Yes	Yes	Yes	Yes	45	Interviewer—employment service.
		56	8,400	Yes	Yes	Yes	Yes	Yes	73	Police department.
		56	8,400	Yes	Yes	Yes	Yes	Yes	35	Clerk and office manager.
		69	8,400	Yes	Yes	Yes	Yes	Yes	40	Police officer.
		56	8,400	Yes	Yes	Yes	2 years	Yes	60	Department State revenue.
		63	8,400	Yes	Yes	Yes	Yes	Yes	60	School teacher.
		41	8,400	Yes	Yes	Yes	Yes	No	40	Self-employed.
		57	8,400	Yes	Yes	Yes	Yes	Yes	90-100	Student.
		23	8,400	Yes	Yes	Yes	Yes	Yes	10	Do.
		24	8,400	Yes	Yes	Yes	2 years	Yes	60	Counselor.
			8,400	Yes	Yes	Yes	2 years	Yes	84	Subteacher and beautician.
		42	8,400	Yes	Yes	Yes	2 years	Yes	72	Deputy county auditor and social worker.
		48	8,040	Yes	Yes	Yes	1 year	No		Court clerk.
		25	8,040	Yes	Yes	Yes	Yes	No	20	U.S. Marine Corps.

23	8,040	Yes	Yes	Yes	Yes	35	School and Army.
49	8,040	Yes	Yes	No	Yes	75	Juvenile court clerk—Welfare department.
40	8,040	Yes	Yes	Yes	Yes	80-90	U.S. Army career.
25	8,040	Yes	Yes	Yes	Yes	50	Lake County detention home.
34	8,040	Yes	Yes	Yes	Yes		Homemaker.
26	8,040	Yes	Yes	1 year	Yes	100-110	Casswelder welfare department.
22	8,040	Yes	Yes	Yes	No	17	Student.
52	8,040	Yes	Yes	Yes	Yes	55	Business administrator.
60	8,040	Yes	Yes	Yes	Yes	75	Boys counselor, detention.
26	8,040	Yes	Yes	Yes	Yes	60	Student.

Judge WEST. Gentlemen, I don't exactly know what I am doing here. I come from a county of only 12,000 people. Now, if you think Judge Fields needs a crying towel, I need a whole bathrobe to cry on, and since I prepared this testimony, gentlemen, my probation officer has informed me that he is leaving. He is a college graduate with a major in sociology. He has taken all of the available courses that he could get and went to these institutes as well. Where in my county am I going to find a replacement?

I am tempted to urge you to pass this bill today if you can get it done and then I can send the new one to school. So much for that.

I want to say this that I think this is the greatest opportunity to give practicing judges, and I use that term deliberately, an efficient method to train probation officers. I want to dwell on that just a moment. I think every gentleman of this committee is a lawyer, and you are a lawyer first and a Congressman second. I was a lawyer first and I am a judge second.

When I have adjudicated a child to be a delinquent and, gentlemen, please consider this, dependent or neglected children also come under my jurisdiction, when they have been adjudicated, the officer that holds them under probation, is my officer. It is the extension of my arm.

Now, touching on this part of this being an independent agency, how—and I will ask you the question, how can you train men when you are going to train them along the lines of the Justice Department or the lines of social welfare workers and still have them come out unbiased and unprejudiced as my arm? That is what I am supposed to be, gentlemen, a judge. I think if for no other reason, this thing should be an independent agency.

One other thing that has struck me this morning and let me say this, can I brag on the State of Indiana? I was real proud of Senator Bayh's testimony and Judge Fields has taught me this, long ago—all I know about being a juvenile judge he taught me—he said last night, "Don't ever do any work if you can get somebody to do it for you." I think he did his work and mine fine this morning.

I endorse everything he had to say. I would add one other point on this problem. In our State we only have two judges, and Judge Fields is 50 percent of those judges, who have exclusive juvenile jurisdiction. My jurisdiction is everything, probate, civil, criminal, and juvenile. I get anywhere from 60 to 200 civil cases a year out of Lake County, Ind.

I would call your attention to the chart which I prepared for the northern 19 counties. I sat as special judge in 18 of them and I know many of these probation officers. I want to emphasize what Judge Fields said. You just can't find adequately trained personnel to fill these jobs as this should be done and I would point out one other thing. At the national level, gentlemen, it can be far less expensive than to have 50 States establish their own training programs. Also, since I prepared this testimony, the Department of Probation of Indiana has prepared a little booklet indicating certain information. There was a great deal of work to this and I think maybe my telephone call, when I was considering this last December, had something to do with it being prepared. But this goes to the second part of the proposed institute. If a booklet or a pamphlet was available in some

form like this to give my part-time probation officer ready access to information, wouldn't that be invaluable? That is the way I feel about it.

Mr. Drinan, I would like to answer a question which you raised, and I think that I am correct, that in most States and mine particularly, outside of Judge Fields' and Judge Mezar's court, my probation officer is also the adult probation officer. I checked with Judge Beamer of the Federal Court, Northern District of Indiana, sitting at Hammond and this is true of the Federal probation officer.

In addition, gentlemen, you might prepare to question them. Maybe they wouldn't like to go on record. I understand that their officers are also the parole officers. Now, I am thoroughly convinced, Mr. Chairman, that if you train a probation officer in juvenile matters, he will be quite competent to handle the 17-, 18-, and 20-year-old. I hope the committee would agree to that, and I believe that will answer the question. I don't know, I have the feeling that I wouldn't write all those things in the provisions of the bill.

If you go to define too closely, I find that, as judge, I have great difficulty in making a decision. I would like to propose two amendments to this bill, gentlemen, under section 5048, enrollment, paragraph C, if you will examine the act, I would consider this matter. "That in considering the application for training from candidates otherwise equally qualified, the Director of the Institute shall give preference to veterans of the U.S. Armed Forces." I think, gentlemen, we are going to be faced with a great deal of unemployment and I would consider this as a possible pool of recruitment for such a program.

Section 5048, paragraph C, enrollment, I do not know whether this appeals to the committee or not, or subcommittee, but I hope it does.

Mr. DRINAN. Is this in your testimony, Judge?

Judge WEST. No, I have just picked this up in the last 72 hours. I will give it to you in written form.

Mr. DRINAN. Thank you.

Judge WEST. By the way, I might add that amongst other things, in my experience, I was a veterans service officer in my home county for a while and this idea is particularly appealing to me.

I didn't get a chance to interrupt Senator Bayh but I think you will find that under section 5049 there is a slight difference between H.R. 45 and S. 1428. I think under H.R. 45, State is defined or "the term State includes each of the several States and the District of Columbia." I believe, I've kind of forgotten, I think that is in the Senate bill and I don't think it is in H.R. 45.

Now, I am going to ask this question and I just penciled this in. Why shouldn't that include, gentlemen, all territorial possessions? I am sure they have juvenile courts and I am reasonably certain that they have the same limitations on obtaining qualified personnel that I have, and I am also certain that the information that should be available to us would be of great benefit if sent to them too.

I hope the subcommittee will note that, and I have it here just in single sheet typed but I would be happy to turn it in. Are there any questions, gentlemen?

Mr. KASTENMEIER (in the chair). Thank you, Judge, I yield to the gentleman from Massachusetts.

Mr. DRINAN. Thank you very much, Judge West. Your complete statement will be in the record and I am complimenting the State of Indiana for having three experts here on delinquency this morning, but my image of Indiana is that there is no delinquency out there. I am sure that with three such experts, if it exists, it will go away soon.

But, may I ask both you and Judge Fields how you would feel about youth representation or juvenile representation on the advisory committee?

Judge WEST. I yield to Judge Fields.

Judge FIELDS. One remark was made from the subcommittee and I agree, I think the individual would have to be precocious.

In other words, having youth just to have youth, I don't regard as advantageous unless they can add something. And getting into the question of the level of intelligence, the level of background, of education, experience and what age, is a problem. Since in our State we deal up to the age of 18, should he be under 18, should it be somebody who is just out of the 18 bracket who perhaps has got a little different perspective than those under? I relate to you one experience. I worked with a youth group in junior achievement, a television program and listened with great interest.

They were really having it hot and heavy on a point and a 17-year-old girl on one side and an 18-year-old boy on the other and the 17-year-old girl told the 18-year-old boy, "you don't understand. There is a generation gap between us."

Judge WEST. I think I would endorse Judge Fields' remarks on that. I feel that the bill is broad enough, as the Senator pointed out, that youth or a youth representative could be chosen. However, I am more concerned at the present time that that sort of thing be included in the curriculum of this institute rather than necessarily on the committee which governs it.

I would like to add one other observation, gentlemen, and this is fairly personal. I feel that if this thing is to succeed, the Director should be a man who has had practical experience in a juvenile court. Now, again, I would hesitate to write that into the bill but I would certainly feel that this subcommittee would agree with that statement. And I think, sir, having been a prosecuting attorney you would probably double endorse that.

Mr. BIESTER. Double endorse it.

Mr. DRINAN. Thank you very much, Judge.

Mr. RAILSBACK. Gentlemen, if I might just say that Judge Fields and Judge West have helped considerably in pointing out the deficiencies in probationary personnel training which is a real serious problem that we have not fully discussed here. Now, when I read your statements, both of you emphasize the need to do something about probationary training. Also, for my colleagues, I want to point out that Judge West is a good friend of one of our former colleagues, Charlie Halleck, who spoke very glowingly of him and I am very glad to have both of you here.

Thank you, sirs.

Mr. KASTENMEIER. Did the gentleman from Pennsylvania or the gentleman from New York have questions?

Judges we appreciate your contributions this morning.

Now, I would like to call as our next witness, the Honorable Harold J. Wollenzien, judge of Waukesha county court, branch No. 3,

Waukesha, Wis., and I would like to point out that our distinguished colleague, Glenn Davis, who represents Waukesha County as, incidentally, I once did represent Judge Wollenzien's constituency, was here this morning and would have liked to present Judge Wollenzien to the committee but he had to go to the Appropriations Committee which called him. Nonetheless, we take note of that fact and incidentally, we might also take note of the fact that our colleague, Mr. Davis, is under very serious consideration for a judgeship himself, the newspapers inform us.

Judge WOLLENZIEN. I addressed him as Judge Davis this morning.

Mr. KASTENMEIER. You are most welcome as a distinguished member of the judiciary as well as a Wisconsinite.

STATEMENT OF HON. HAROLD J. WOLLENZIEN, JUDGE, JUVENILE COURT, WAUKESHA, WIS.

Judge WOLLENZIEN. I notice, Mr. Chairman, and distinguished members of the subcommittee, that each of my predecessors this morning here had an assistant or some help. The only help that I could summon up at this point on behalf of myself would be my wife, who accompanied me here on this trip, but in view of the fact that the chairman is a representative from Wisconsin, I think that I will proceed alone without the benefit of her services here.

I also apologize to the committee. I did mail 16 copies of my statement to the committee at least a week ago and I don't know where they are, or why you didn't receive them.

Mr. DRINAN. We have those.

Mr. FUCHS. They were supplied by Judge Wollenzien.

Mr. KASTENMEIER. I don't think that works a hardship on the committee. I do not know how it is that we didn't receive them. Perhaps in due course, we will, but in any event, we do have copies of your statement and without objection they will be made part of the record.

(Judge Wollenzien's statement follows:)

STATEMENT OF HAROLD J. WOLLENZIEN, JUDGE OF THE JUVENILE COURT, WAUKESHA, WIS.

Mr. Chairman and distinguished members of the subcommittee, I deeply appreciate the opportunity and privilege of appearing before you today in order to personally express my views on the important legislation now before this subcommittee.

I would like at this time to just briefly give you a short resume of my background prior to my comments on this legislation. I am a lifelong resident of the City of Waukesha, Waukesha County, Wisconsin, and a graduate of Marquette University in Milwaukee, Business Administration School and Law School; Bachelor of Science and Bachelor of Law degrees from these two schools. I served in the United States Army during World War II and was admitted to practice in the Courts of Wisconsin and Federal Courts in 1947. I was elected Corporation Counsel for Waukesha County by the County Board of Supervisors in 1955 and served in this capacity for the county in addition to maintaining my private law practice until I was elected County Judge in April of 1966. I have been re-elected to a new six-year term in April of 1971 and have served as Juvenile Court Judge for Waukesha County since July 15, 1966, in addition to serving as the Traffic Court Judge for our county.

Waukesha County has been the fastest growing county in the State of Wisconsin for the past twenty-one years, and is the third largest county in the State, with a population of approximately 235,000 people and is located immediately west of Milwaukee County, Wisconsin.

I have carefully reviewed the present LEAA Program administered by the Justice Department, together with Bill H.R. 45, and while I feel that the LEAA Program has accomplished and is doing a good job in the Juvenile Delinquency Field, I feel even more strongly that the potential provided under proposed Bill H.R. 45 would open new areas of opportunity to deal more effectively with juvenile delinquency in our country.

First of all, I think that we need to upgrade the public image of juvenile justice in this country in all areas, including the Judges, defense lawyers, prosecutors, probation officers, police officers, psychologists, psychiatrists, diagnostic services, and treatment centers. The Juvenile Justice system in this country for too long has been kept in the wings of the court arena atmosphere and has received the leftovers from the adult system, and the major emphasis in all crime with respect to treatment and handling has been on an adult level.

The juvenile delinquency problem has too long been treated as a nuisance problem, and in too many areas we have only done as much as we had to, to keep the problem quiet in the community.

There are inadequate facilities in many parts of the country to deal with the juvenile delinquent, and we need a major program to deal exclusively with the juvenile and provide expertise and training and education to all of the persons who deal with the juvenile daily.

The advent of the Kent, Gault, and other U.S. Supreme Court decisions require new and different techniques for the Courts as well as all other personnel in dealing with juveniles. It has, frankly, been my experience that it takes a great deal more effort emotionally and physically in disposing of the juvenile cases than it does the adult cases, and Judges who have sat in the Juvenile Court in the past will tell you that they do not care to return to the Juvenile Court because the work is too demanding and taxing.

In most every juvenile case of any magnitude, it is a highly emotional experience for the child, the parents, the Court personnel, the probation officer, and the Court itself. The ominous possibility of incarceration to a twelve, thirteen, or fourteen year old child for a period of time, until he reaches age twenty-one, is a frightening experience to say the least. In many of these cases parents have a strong guilt complex and are very emotionally upset at the Court Hearing.

We need the best trained Judges, lawyers, prosecutors, probation people, psychiatrists, and diagnostic services that can possibly be had in order to deal effectively with these young people.

The basic difference in the child and the adult is that this child is forming a lasting impression on the treatment he receives and may never forget it the rest of his life, whereas the adult is able to adjust more suitably to his environment and is able to do more about it than the child, who under the law at times appears to be a prisoner in his own household, when there are very serious problems in that household and he is unable to do anything about it. He turns to delinquency in order to be removed from that home, and these children tell us in Court that they would rather remain in the juvenile detention facility of a county jail cell rather than be released to go back to that home again.

I sincerely believe because of the foregoing statements that Bill H.R. 45 offers a real opportunity to upgrade the system of Juvenile Justice in this country by providing a complete training program for all of the persons involved in the daily contact and treatment of juvenile law offenders.

I have participated in a month long training session at the University of Colorado under the auspices of the National Council of Juvenile Court Judges and found this experience invaluable in administering the problems of the Juvenile Court of Waukesha County, Wisconsin. I feel that a similar program for the other court personnel and a continuing legal education program for Judges who sit in Juvenile Court is of the utmost importance in dealing with the juvenile delinquent. The proper administration of this bill could accomplish such a purpose, and would bring to the public a new importance to the juvenile law offender; if he is to have and receive the same rights and treatment of adults, then the training program, facilities, and money available for these programs should be on an equal basis with adult facilities and not pushed into the background and left to struggle with what is left of facilities and assets to deal with this vital problem.

As I have previously stated, the juvenile does not think like an adult, but thinks like an eleven, twelve, or thirteen year old. He is constantly testing and pushing everyone he comes in contact with to see how far he can go, and generally speaking, the person who finally impresses upon this young person the meaning of the word "no" and the finality of the word "no" is the person that this juvenile respects. He does not respect a parent, a Judge, a prosecutor or defense lawyer, a probation officer, or other personnel who says, "no" but who really means maybe, and does

not enforce his order or ruling. It cannot be changed, or this juvenile soon learns that you really don't mean what you say and will not enforce it. This is one of the critical differences in treating juveniles than in treating of adults. He is not as interested in what his constitutional rights may be, as he is in what is going to happen to him, or what the Judge, the probation officer, or his parents tell him that he can or must do.

In many of these cases he is seeking guidance, help, and leadership in the solving of his particular problem, and it is vital that the exposure of this young person be handled fairly, firmly, and frankly in his very first experience with the Courts, the police, or probation officers. This can only be done through a never ending educational and training program and process because of our ever changing society of today, and the new personnel constantly being infused into the Juvenile Justice system throughout the country.

I further feel that the provision in Bill H.R. 45 relative to the Institute for Continuing Studies of Juvenile Justice serving as an information bank for collecting data from studies and research by public and private agencies on juvenile delinquency, including programs for prevention of juvenile delinquency and the dissemination of such data and information to individuals, agencies, and organizations concerned with juveniles and juvenile offenders, is of the utmost importance.

I am sure that there are many programs that have been successfully innovated in many Courts and communities of this country that would be very helpful in dealing with the juvenile problems of other areas of the country of which they know nothing about. In the proper administration of this proposal, these plans and programs could be made available to anyone anywhere in the country, and they could adopt or select the type of program that would best meet their needs in their community.

I cite as an example the Juvenile Court Work Program that was successfully operated in Waukesha County Juvenile Court in 1970, employing young people fourteen through seventeen who are under supervision of the Juvenile Court for delinquent acts, and were employed in five regional county parks through the cooperation of the Park Commission and under the direct jurisdiction of the Juvenile Court. I attach hereto as Exhibits One and Two reports submitted to the Wisconsin Council on Criminal Justice and the Waukesha County Board of Supervisors relative to the operation of this program.

This was the first program of its kind operated in Wisconsin, and there are now six to ten other counties in the State of Wisconsin who are planning to operate similar programs during 1971, because of the results that we experienced in this program in 1970.

It is very difficult to start innovative programs because of so many regulations against them and because of the normal and natural resistance encountered by various segments of our society.

I realize that our Work Program is on a small basis and would work well in some communities and not well in other communities, but it did afford young people who were in trouble with the law a means to repay to the Juvenile Court sums of money ordered to be paid by them for damages that they visited upon the citizens of Waukesha County. It also provided an opportunity for many of these young people to earn some money and to have some spending money to buy some of the things that their other peers had and which they were unable to afford, either because of substandard income in their families or large families with not enough financial resources for all of the members of their family.

We took all types of boys, even boys who were paroled from the Wisconsin School for Boys, and the program was set up such that there was daily counselling not only by one of our social workers of the Juvenile Court, but the Director of the Program as well, head Football Coach and Athletic Director, Vincent DiFrancesca, of Carroll College in Waukesha, Wisconsin, who is a very successful football coach and athletic figure in our community, and has great experience in handling boys.

We feel that the use of each of our social workers for a week at a time during the operation of the summer program was a training session of great value to each one of these men, and has helped their work during the past year a great deal.

In further emphasizing the difference in handling children and young men, I think it is interesting to note that Coach DiFrancesca stated at the conclusion of the summer Work Program that it was much more difficult to handle the twenty-five to thirty boys, fourteen through seventeen, than it was thirty-five to forty, eighteen, nineteen, and twenty year old football players.

I think it is significant to point out that in the operation of this Work Program that it involved only a very modest expenditure of funds, and that 64 percent of

the total expenditure of the funds were of direct benefit to the youth either in wages paid to them, plus transportation, and only 36 percent was used for administration expenses.

We hope to enlarge and improve this program during the 1971 summer season. I also feel that the results of nine months after this program was commenced, showing that approximately 73 percent of the boys on this program have not repeated their mistakes, while 27 percent have, shows an excellent rate of rehabilitation and very low percentage of recidivism, that is not experienced in any other way.

We also have a very strong restitution program in effect in Waukesha County in which all Juvenile Delinquents are ordered by the Court to pay for all of the damages that they have inflicted upon the citizens of our country for delinquent acts of Vandalism, Robbery, Burglary, Theft, Shoplifting, Auto Theft, etc. Our Juvenile Court has collected from these juveniles and paid back to our citizens over \$15,000 in each of the last two years. We have had to issue 62 "Orders to Show Cause" why the Juvenile should not be held in Contempt of Court and sentenced to Jail for failure to pay, and have held hearings in many of those cases in order to enforce the program.

In the fall semester of school in 1970, we had an epidemic of Bomb-Scare calls in two of our high schools, costing the schools over \$12,000 in lost wages and time. When some of these Juveniles were apprehended and immediately brought into Court and ordered to pay their proportionate share of these costs, this ended the Bomb-Scare calls immediately.

It involves a great deal of bookkeeping, accounting, and detail work, but the social workers, police officials, and the Court all feel it is a very important program in the rehabilitation of our young people.

I believe that we must search for new and imaginative programs and methods in order to successfully deal with and solve the perplexing Juvenile Delinquent Problem in the United States. We need to place greater emphasis on preventative measures of helping our young people through the difficult and often confusing adolescent years, even before they are exposed to Juvenile Court procedures.

However, once they have been exposed to the Juvenile Court, it is absolutely imperative that we exhaust every available resource and service to quickly rehabilitate these young people, as soon as possible. I believe that Bill H.R. 45 with its provisions for specific training and education of the various people dealing daily with juveniles and the provision to create a bank of data, information and programs for the use of any individuals, agencies, or Courts throughout the country holds forth great hope and opportunity of fulfilling and reaching these goals.

EXHIBIT I—FINAL REPORT, JUVENILE COURT WORK PROGRAM, WAUKESHA COUNTY, WIS.

This is the Final Report of the First Juvenile Court Work Program in Waukesha County, and the first of its kind in the State of Wisconsin. This Program was made possible and funded by the joint cooperation and foresight of the Waukesha County Board of Supervisors and the Wisconsin Council on Criminal Justice, pursuant to the Federal Omnibus Crime Control and Safe Streets Act of 1968. The total revised budget in the sum of \$22,265.36 was funded by 60 percent State and Federal funds and 40 percent local or county funds. The total actual expenditures on this program amounted to \$13,952.23, leaving a cash balance in the sum of \$8,313.08. The balance of these funds should be designated as \$4,987.84 State and Federal funds, and \$3,325.23 as County funds. We urge both governmental authorities to authorize these funds to be kept intact, as a nonlapsing fund, for the operation of this Program again in 1971.

The Program was designed to operate as a pilot or training program in this field, for boys aged 14 through 17, a 13 year old boy could not participate in the Program because under the law he is not eligible to obtain a work permit. The purpose of this Program was to determine whether a meaningful program of this type could be successfully operated in public areas on a voluntary basis. The boys were placed under this Program on a voluntary basis with their parents' approval, and not by Court Order. We attempted to involve all boys who owe restitution to the citizens of Waukesha County through Court Order, so that these monies could be paid back to our citizens promptly.

Some of the boys that we contacted already had jobs and were not interested in this program, and others flatly refused, saying they would not work on the Program. We were able to involve 18 boys who still owed restitution, 12 of whom

paid their restitution in full, with 6 still owing some restitution. The rule of the Program was that they must pay 75 per cent of their earnings toward restitution, each pay day, and could keep 25 per cent for their own use. They repaid the citizens of Waukesha County a total of \$1,012.10 in six very painful installments. Their checks were cashed at the County Treasurer's office or Juvenile Court office, and the cash equivalent to 75 percent of the total was handed over by the boys to the Clerk in the Juvenile Court office in exchange for a slip of paper—their receipt for partial restitution paid. This was a shocking realization by each one of the boys, of how difficult it is to earn the money to pay back damages, which they had inflicted upon other people by their delinquent acts.

We then proceeded to accept any boys who were presently on supervision from the Juvenile Court. I ordered each of my supervisors to submit a list of boys to the Program Director, so that there would be a representative group of the entire county, and not from just one or two areas of the county. We also accepted some boys on parole from the Wales School For Boys.

There were a total of 58 boys who were involved in the program with 16 having worked 27 or more days or half of the summer Work Program. Another rule of the Program was that any boy who got into any trouble with the law would be immediately discharged from the Program. We had four boys out of the 58 who did get into trouble and were discharged from the Program for that reason. Actually only one boy of the four got into trouble after the Program was underway. This means that 93 percent of the boys involved on the Program have not become involved in any further trouble during the months of May through September 1970.

The Program involved almost exclusively working in the five county parks and consisted mainly of cutting and weeding sandtraps on the two county golf courses, and the ringing and cutting around trees on the golf courses. It further involved picking up debris and stones from various areas in the parks, which as it turned out, was the most disagreeable work and the most difficult to keep any order among the boys. The work that the boys enjoyed the most and we feel accomplished the most was in the staining of picnic tables, benches, shelter houses, signs and other equipment throughout all five county parks.

Our County Park Director, Mr. Tarmann, and his assistants advised me that this is the first time in the history of our parks that all of this equipment has been stained completely and will be preserved for the future years' use without deterioration from lack of maintenance. He further advised me that he was convinced that the new golf course would not have been able to open on time, if it wasn't for the work that had been completed by these boys. He also stated that the Park System used more stain this year in the County Parks than any other two years in the past. I think, in addition to the great number of tables, etc., stained, that we have to conclude that the boys applied a liberal coat of stain to the equipment they were working on.

I think that it is significant to point out to you some financial statistics relative to this program.

Wages paid to boys.....	\$7, 880. 40
Bus transportation cost to transport boys to park sites.....	1, 020. 00
Total direct costs.....	8, 900. 40
Administration costs (includes salaries and expenses of all persons on program).....	5, 051. 88
Total cost of program.....	13, 952. 28

The above and foregoing figures mean that 64 percent of the entire budget was applied directly to the intended benefit of the Program, and only 36 percent toward administrative costs. I think this is unusually low and very significant to indicate to you that the most advantageous use of the monies appropriated for this Program were used for the direct benefit of the boys, rather than using the major portion for administrative costs.

Our Director's general report to me indicated that he also thought that the supervisor-social workers learned a great deal from the Program about the boys they are supervising, and thought he detected the opinion that each Monday the new supervisor felt that his boys would not be doing anything wrong. His attitude changed slightly on Tuesday, indicating that there might be a possibility. On Wednesday his attitude was that there was a good possibility that the boys could be involved in some activity not in accordance with his rules of supervision. The social worker's attitude further changed on Thursday and Friday to the point

that they were surprised sometimes with the actions of these young people, and were satisfied that they were not the innocent victims in many situations that they previously attempted to have the social worker believe when they met with him for a 15 to 25 minute interview.

The social workers generally felt that the Work Program has real merit, but felt that a better plan of work more interesting and challenging to the young people would help the Program a great deal in the coming years. They felt that the work must be more creative and interesting to the boys in order to instill better work habits and better discipline.

The general comments of the boys that worked on the Program who volunteered statements to the social workers were as follows:

1. They felt the Program was great.
2. They felt the pay should be higher than \$1.10 per hour.
3. They felt the boys that "goof off" should be penalized from receiving money for that time.
4. They felt that the work should be more interesting, and should not involve picking up rocks.
5. They appreciated the opportunity to work on the Program.
6. They felt some of the work was very boring and monotonous.
7. They felt the Program ran too long and took up the entire summer for them.

If you don't have the right man as Director, the entire program is immediately put in jeopardy and will ultimately fail. Coach DiFrancesca's final statements in his interview were a very vital consideration to his selection, when he stated, "I am interested and want the job if it will mean that I can work with and counsel these young men, but if I'm just to be hired as a foreman on a work project, then I don't wish to be considered for the job." I felt that if a local sports figure of the stature and reputation of Coach DiFrancesca coupled with his genuine interest in youth, could not reach these boys to improve them, then no one could. A very large number of the boys desperately needed a strong father image, and this man's background was superb for this important task.

After setting some basic rules that I felt had to be established in accordance with the regulations this Program was to be operated under, pursuant to the Federal Grant, Coach DiFrancesca had full and complete authority to develop the Program as he felt was best in the interests of the boys and the public. He kept a file on every boy and filed a daily report on each boy during the entire program. He also directed that the social worker and he both dictate separate reports in the absence of each other on each of the boys and the day's activities so that a more meaningful result would be obtained. These reports were filed with me every Friday. These daily reports proved invaluable to all of us on many specific instances.

COACH DIFRANCESCA'S FINAL REPORT

"I constantly tried to obtain good work habits, a healthy outlook on the job, and high moral standards. At the end of the program, a swear word was hardly uttered without criticism and condemnation from members of the group. I feel that many of the boys needed constant prodding, discipline, and most important, a father image. Until rapport was established, handling the group was rather difficult, but as time progressed, the boys realized that they were on a job and that I was not their 'babysitter.' I noted many mature attitudes developed out of this program. The realization that money is hard to earn may be the future deterrent for many of the boys. I am also sure that a few of the boys gained absolutely nothing from this program except the opportunity to earn a few dollars.

"This summer has been demanding but very challenging. I have learned a great deal from this group and I hope that any small seeds that I may have planted will serve as a positive influence to at least one boy. I also feel that the positive factors of this program far outweigh any negative aspects. This Program is definitely a constructive step in helping the troubled youth of this county."

In addition to the foregoing comments and recommendations of Coach DiFrancesca, I would like to make these further observations and recommendations for a future program of this type. We recognize, of course, that many improvements and changes could and should be made for the successful operation of this Program if it were continued next year. We also feel that it is on a relatively small scale and only represents one facet of dealing with the constant problem of Juvenile Delinquency, but definitely feel it is a positive and constructive step in the right direction.

I would like to see and would recommend that we consider expanding the Juvenile Work Program to include boys who have not been in Juvenile Court, or

in trouble with the law, who are interested in doing something constructive for themselves as well as the public. These boys could work independently of the other group or groups in different county parks. Group competition and incentive rewards could be instituted based upon the volume of work, quality of work and creativeness, in accordance with the actual performance of the young people in each group.

I would further like to see other types of preventative programs developed for our youth in the service fields, to help and assist other people, in order to further develop a sense of responsibility, purpose and concern in our youth toward their fellowman. I realize that these recommendations mean additional money and part-time personnel in order to implement them, but would pose the question, What better investment can we make, at a nominal cost, than in the youth of this community? They need all of the help, understanding, guidance, care and concern that we can give to them through new and different means, in these troubled times. We likewise need their concern, interest, confidence and energy to improve our community.

In conclusion, I would like to state that I am convinced that the best deterrent to Juvenile Delinquency can be best summarized by the use of two "four-letter" words—BUSY and WORK. When you have young people busy at some hobby, sports activity or other worthwhile activities, which are creative or stimulating, you do not have trouble with these children. When they are busy at work in some type of constructive project and are given an incentive to develop proper work habits, a sense of responsibility and a feeling of accomplishment, they will respond and will not be in trouble with the law.

GENERAL STATISTICS OF THE JUVENILE COURT WORK PROGRAM

A total of 58 boys participated in the Program.

A total of 54 work days were involved.

25 boys worked 20 or more days or a full month on the Program.

16 boys worked 27 or more days, or one half of the Work Program.

12 boys worked more than 30 days on the Program, or more than 6 weeks.

Two boys worked one day and never returned to the Program.

Four boys were discharged from the Program for law violations.

Seven boys were discharged from the Program because of disciplinary reasons.

58 boys earned \$7,880.40 in wages.

18 boys paid restitution to the Court in the total sum of \$1,012.10.

The average number of boys per day for the entire 54 days were 21 boys per day.

The average number of days per boy on the Program was 18 days per boy.

The above averages included one day where only nine boys appeared because of rain and another day when only thirteen appeared because of rain and threatening weather.

EXHIBIT II—REHABILITATION RECORD OF JUVENILE COURT WORK PROGRAM

To Wisconsin Council on Criminal Justice, Waukesha County Board of Supervisors.

Ladies and gentlemen, as you will recall at the time I submitted the Final Report on the Juvenile Court Work Program for Waukesha County young people in September of 1970, I did advise you that I would submit a report during the coming year with respect to what results were obtained from this Program on the matter of recidivism.

This Report covers a period of time from May 15, 1970, through April 1, 1971, or ten and one-half months. It also covers all 58 boys that participated on the Work Program.

The records kept on these 58 boys reveal that 42 of the boys have not been involved in further difficulty with the law or in school. It further reveals that 16 boys have been involved with further violations of the law and have been returned to Court for further proceedings. This means that 72.4 percent of all the boys that participated in the Work Program during the summer of 1970 have not repeated their previous mistakes, and many of these boys have had their supervision terminated and are no longer receiving supervision from the Juvenile Court. It also means that 27.6 percent have repeated previous mistakes and were in difficulty with the law, and two boys were involved in two separate violations of the law during this period of time.

While we would like to see a higher rate of rehabilitation of these boys, we do feel that these results are very good under the circumstances, and in view of the

fact that we accepted every boy without any screening, and some of these boys were parolees from the Wisconsin School for Boys. I believe that this rate is considerably higher in the area of rehabilitation than it is normally without such a program.

We again plan on operating the summer work program for boys in Waukesha County under Juvenile Court supervision and hope to improve on the entire program and the rehabilitation of these young people, so that we can remove another large group of boys from supervision and have them become law-abiding citizens along with their other peers.

Dated this 10th day of April 1971, at Waukesha, Wisconsin.

Judge WOLLENZIEN. I notice the chairman didn't suggest that I read this statement. Actually, the length of this statement does include two exhibits that I attached to this, as a point of emphasis on some of the remarks that I wish to make about the provisions of the bill.

Just briefly, for the members of the committee who are not familiar with my particular area in Wisconsin. I do come from the third largest county in Wisconsin. It has been the fastest growing county in the past 21 years in Wisconsin and it does have a population of 235,000 people at this time.

I do serve part time, half of my time as juvenile court judge and half of my time in adult matters, mainly as a traffic court judge. I therefore feel that I have a little bit different viewpoint to express. I may not be quite as prejudiced in the juvenile areas as Judge Fields who sits all the time in juvenile court.

I am satisfied from examining this bill and the LEAA program that the LEAA program under the Justice Department program has made great strides in the juvenile field in the past 2 or 3 years, but in going over this bill, I feel that H.R. 45 offers a great deal more help and assistance to the juvenile areas than the present programs, or the HEW and the Department of Labor programs.

First, I think we need to upgrade the public image of juvenile justice in this country in all areas, including the judges, the lawyers, the prosecutors, probation officers, police officers, psychiatrists, and the various services that are offered to take care of these young people.

I think that just generally speaking, the juvenile justice system has had to survive in the past on the leftovers from the adult system. For too long, now, we have treated this problem as a nuisance problem in most of the communities in this country to do just enough to keep things quiet so there isn't too much of an uproar in that particular area of concern.

Second, I think that the advent of the *Kent* and *Gault* Supreme Court cases has dictated new procedures and new techniques that we must develop in order to deal effectively with this problem.

I sat in the juvenile court before these cases were handed down by our Supreme Court and the change is absolutely tremendous. I would say that it is almost like a revolution in the juvenile court process.

The old practices, the old techniques that were used, I think, are no longer valid and we must keep up with this. We also have in Wisconsin I know in particular, we do have separate probation officers and persons taking care of the young people from adult persons and they usually move from the juvenile field to the adult field. Generally speaking, the wages are higher, the pay is better and the benefits are slightly better. So that there is a constant new turnover in personnel

and in the prosecuting area, the same applies. I think that if there was a special institute established to create proper training to upgrade juvenile justice system throughout the country, that this would tend to relieve the situation and I think that we would have better trained personnel to cope with this problem.

I think that today, as Father Drinan has mentioned earlier, you feel that the boys and girls aren't any better or worse today than they were before. I think they are more difficult to handle because of the changes that have taken place in our society. We are much more permissive today than we ever have been before. I think that we need the best trained lawyers, the best trained judges, prosecutors, probation personnel, and psychiatrists majoring in and dealing exclusively with child care, not a general psychiatrist, in the general areas. This is too important and difficult a problem to continue on with adult probation personnel being in the juvenile field, and no real expertise in the juvenile field alone, but mixing in with the adult system as well.

The problems that the young people bring to us, of course, are very emotional experiences and I couldn't help but think, when some of you gentlemen mentioned today about your consternation and the problems which you experienced when you tried to find out and piece together this situation. You can imagine the judge's problem when you have these young people. There are no real facilities to place some of these people and you do sometimes have to send some of them to an institution when they really shouldn't be there, but there is no alternative.

I think that this bill would offer, if properly funded and properly administered, a chance to develop these particular services so that these young people could be rehabilitated and treated rather than sent to these institutions. In many cases, the chances of rehabilitation are much less than they are if they could be treated properly before they are sent to these institutions.

Again, one of the other big differences is that a juvenile is very impressionable. He can't cope with his environment like an adult can. He may be a prisoner in his own home. He turns to delinquency to get out of that home.

You have to have some meaningful plan for this youngster, some hope for him. You can't just find him delinquent and send him back to that home again, and back into the community without some help from someone and this takes an experienced, trained probation officer, supervisor in the juvenile field who is not overcrowded with work so that he can give this person the help that he needs.

This isn't true in the adult field. So, that these are the things that this young persons looks to, he looks for hope, guidance and assistance.

I think this bill would, with the proper administration, provide many of these services. The other area that I would like to bring out more on a practical method is the fact that I think we have to look toward preventative programs in the Juvenile field.

Even before they are at the delinquency stage we have to offer programs such that these young people have hope of reversing their mistakes. And, I can cite an example. Your bill would provide an information bank for collecting data and on programs that have been innovated in courts throughout the country.

Now, there are many programs that judges in the different parts of the country have commenced and they are working very well in certain areas and may work very well in our particular area, but we don't know about these programs. I cite an instance of a program that we had in Waukesha County last year, a juvenile court work program.

In our court we have a very strict policy of restitution. We have collected in each of the past 2 years and paid out to the citizens of our county over \$15,000 for damages that these young people have inflicted on the citizens, either by acts of vandalism, theft, burglary or robbery.

In order to do this, you have to have some method for these people to pay this back, some means, some hope and we instituted this work program in the county in our five county regional parks. Many of these young people had never been out of their particular city and seen these parks. There was a great deal of resistance to begin with. They thought that this would be slave labor camp and so forth, but we provided a social worker along with another competent person to supervise these young people. They did very meaningful work. They did a great deal of work in the county parks and now this year, because of our experience, six to ten other counties in Wisconsin are going to go into this same type of program.

I think that this is a small start. We involved 58 boys and I would like to say that as of April 1st of this year, after 9 and a half months of experience, 73 percent of these boys have not repeated their mistakes; 27 percent have. Now, we feel that this is a very high rate of rehabilitation that you cannot experience in any other way.

We feel that we are going to be able to improve on that record this year, and we will have a great many more boys in this program because of the interest and because of the fact that the program has operated for 1 year.

I think that the social workers got a great deal out of this program. Each one of my social workers worked 1 week with these boys. They saw and worked with the boys in the field all day long. They got a far different perspective on the young people than they did seeing them for a 15- or 20-minute interview once every 2 weeks.

I think another significant point in this program was that 64 percent of the funds that were expended were used for the benefit of the boys and only 36 percent for administrative costs.

Some of these boys saved some of their earnings and bought their own clothes for school, or they were able to have some money so that they could buy the things that their peers had. In the past, they had stolen, in order to have some of these things, because their father or mother had substandard incomes and they could not afford these things, because there were too many children in the family.

So, there are many potentials in this particular program in this particular area and I am sure that there are many judges in the country that have other programs that would be helpful in our community.

This may not work in other communities, but with the variety of programs that could be furnished through this bill, by the collection of this data, that I think it could be very helpful and very useful.

Finally, in the training area, I participated in the juvenile judges training program at Colorado University for a month-long session

4 years ago and got a great deal out of this training session. It helped me a great deal and I think that every juvenile judge should receive this training.

It is even more vital to the probation officers and the other people dealing with these young people. So, I feel that if this bill is adopted, and properly administered, with a Director that has had some practical experience in the field, I don't think we could have theorists on this Advisory Commission completely, unless they are people that have dealt with every day problems and know what the practical problems are. I think that this bill, H.R. 45, offers the hope and opportunity of reviewing and reaching goals with cutting down on the juvenile delinquency problems in our country. In our county this past year we had 67 fewer cases reported to the juvenile court than we did the past year.

This is a very small decrease, but we do have hope that it is a trend that will continue.

Mr. KASTENMEIER. Thank you, Judge Wollenzien, I take it that one of the things you see for this bill is the provision for an institute which will make necessary information available to judges and to other personnel who come in contact with juveniles and that this sort of institute could make both the practical experience and the training more available.

Judge WOLLENZIEN. Yes, I would agree.

Mr. KASTENMEIER. Nationwide.

I compliment you on your program and I yield to the gentleman from New York, Mr. Fish.

Mr. FISH. I would like to thank the witness, Mr. Chairman, for his helpful contribution this morning.

Mr. KASTENMEIER. The gentleman from Pennsylvania, Mr. Biester.

Mr. BIESTER. I would also like to thank the witness and his figures on recidivism are very encouraging. Would he not agree that a juvenile offender who commits his first offense at the age of 14, if he is not in some way touched by the system, is likely to commit by the time he is 25, as many as 12, 15, or 20 additional crimes, perhaps even many more than that? And, that if we could accomplish what you have accomplished with this program, not only would there be earlier rescue of the child, but also we would prevent enormous numbers of crimes later on over a 10-year period?

Judge WOLLENZIEN. I think that is very true, and it is also true based on the fact of the impression of what a 14-year-old receives, what treatment he receives in this court and from the supervisor that does see him on supervision for a period of time.

Mr. BIESTER. This can only occur with imaginative treatment by personnel, concerned personnel, and expert personnel.

Mr. KASTENMEIER. The gentleman from Illinois.

Mr. RAILSBACK. I simply want to thank the witness. Thank you.

Mr. KASTENMEIER. The gentleman from Massachusetts.

Mr. DRINAN. Judge, thank you very much. Just one question, maybe you can comment briefly on this. I am very familiar with the Wisconsin Family Code Act, I think of 1959 or 1960 and I am wondering whether you might feel that this institute would be strengthened by further references to the family or studies on the family and the disintegration of the family? How would you react to that, coming

out of the one State that really has this unique and very exemplary, in my judgment, family code?

Judge WOLLENZIEN. I think this is a vital point. It is very difficult to get to the problem in some of these cases where the family has very great resistance from the parents that the social services department or the court are infringing on their personal rights, they think, and that there is nothing wrong with the family. It is the youngster who is the problem. There is nothing wrong with them. It is very difficult to get into this area but I think it is vital if we can have some provision of training the personnel to get into this area, it is going to help a great deal in the juvenile court, no question about it.

It has been our experience in the family code innovation now for several years.

Mr. DRINAN. Thank you.

Mr. KASTENMEIER. We thank you, Judge, for your appearance this morning and for your contribution.

The Chair would like to call Mrs. Barbara McGarry, who is executive director of the American Parent Committee, Inc.

Mrs. McGARRY. Thank you, Mr. Chairman. Mr. Chairman and members of the committee, I would like to defer to your wishes as to whether you would prefer that I read and condense my statement or since I am a member of the fourth estate, being the advisory editor of *Parents Magazine*, as well, do you want to take the calculated risk of my extemporizing?

Mr. KASTENMEIER. Inasmuch as we have just received notice that there is a quorum call starting, I would advise submitting your statement for the record which is with its addendum substantial and extemporizing if you can.

Mrs. McGARRY. Yes, certainly.

STATEMENT OF MRS. BARBARA D. MCGARRY, EXECUTIVE DIRECTOR, THE AMERICAN PARENTS COMMITTEE, INC.

Mrs. McGARRY. I would like to go immediately to the second or third page of my statement and in view of the very distinguished testimony the committee has already heard, this morning, I feel perhaps the only additional contribution I could possibly make would be inviting the committee's attention to a survey that was conducted by the American Parents Committee at the conclusion of 1969.

The circumstances of this are fully explained in my statement and I think each one of the State replies that we have received (and incidentally, I have the full text available at the committee's pleasure, the excerpts are reprinted in the addendum), each of the State replies time and time again reinforced what you have heard this morning; that there is a desperate shortage, a desperate need for trained probation personnel. I invite the committee's attention for instance, to the reply from Oklahoma, the Tulsa court, that bewails the lack of dispositional alternatives to incarceration and as the committee is well aware, the latest figures available show that one out of four juveniles is committed not to juvenile institutions but incarcerated with adult felons.

This came out of our 1967 hearing and was corroborated further by then Attorney General Ramsey Clark.

A few figures that have come most recently out of hearings conducted by the other body, found on the top of page 3, are that the current expense for institutionalizing of juvenile offenders is more than twice as expensive as a year's matriculation at Harvard or any other Ivy League college, in contrast to which the current probation subsidy programs that are being carried out in Washington State and in California are half as expensive as institutionalization, and are, according to preliminary statistics, proving quite beneficial.

But, this again is the unique role that I think the institute can play to corroborate all these statistics and to give us a feeling of what the proven effective programs are. This has been sort of helter skelter performance so far among the Federal agencies, your Federal departments. The greatest difficulty we have had frankly, gentlemen, is trying to get statistics and in a way this is negative evidence because we had to do it on our own simply because they were not available from other sources.

I think this, again, points up the need for an independent institute whose focus is completely on this problem of juvenile delinquency prevention and rehabilitation in accordance with the 70-year-old concept in the founding of the juvenile courts, that want, if they are given the proper tools, to give prompt rehabilitation to the first-time juvenile offender in his own community rather than incarceration with older felons.

That, I think, will just about conclude my statement with the possible exception on page 6 in the final paragraph of noting the current crunch of rising costs in salaries against the growing need for services to which this bill responds very eloquently; concerning, as Father Drinan I am sure is aware, there is a landmark case on appeal now in the Supreme Court, *Tate v. Pennsylvania*, that epitomizes this very problem, and to which this bill responds as perhaps a prototype of other legislation.

It can respond by economizing; instead of having 50 different institutions hiring, we have one with the obvious results accruing. I would be happy to answer any questions the committee might have.

Mr. KASTENMEIER. Thank you, Mrs. McGarry. Would you tell us a little about your organization, the American Parents Committee, Inc.?

I see it was incorporated in 1947. How large is it and how do you arrive at positions?

Mrs. MCGARRY. Well, our positions are arrived at by our annual board of directors meeting usually held at the outset of the new year, January or February, this past year it was February 5, 1971. You will note in our testimony that there are criteria that we apply toward consideration of any legislative proposal.

We are concerned incidentally purely with Federal legislation that affects children. Our criteria are, first, does it benefit the child rather than adult individuals or groups?

Second, does it respond to a national need of children that cannot be met on a local or State level, without usurping the State or local authorities? Third, and finally, is the proposal economically justifiable? And, as you have noted in my testimony, all three questions are answered very emphatically, yes, for this proposal of H.R. 45.

Mr. KASTENMEIER. I would like to ask a question I asked the first witness, because of your general interest in matters affecting children

and Federal legislation. The question I asked Senator Bayh, about whether in the context of this legislation going forward, whether you think we also ought to support legislation, for example, in the Education and Labor Committee which would extend for 5 years the juvenile——

Mrs. McGARRY. H.R. 6247?

Mr. KASTENMEIER. The Juvenile Delinquency and Prevention Control Act of 1968. Does your organization regard that as a compatible or a competitive measure? How are we going to get a concentration and focus if we have both of these measures?

Mrs. McGARRY. Well, sir, our board had contemplated support for H.R. 6247 but lacking any justification for the \$75 million expense of that proposal, we advised them not to do so until there was some justification for it and frankly, we have been disappointed in the reports forthcoming.

You will note that on the final page of our statement, as a second attachment, the Youth Development and Delinquency Prevention Administration note their own shortcomings in this area.

We think that this supports H.R. 45 rather than otherwise. I think there was a very telling point that they themselves made.

Mr. KASTENMEIER. Thank you very much.

The gentleman from Massachusetts.

Mr. DRINAN. I want to thank you for the statement, particularly for the statement on pages 5 and 6 where you put the case for a unified agency in a very forceful and cogent manner. I think that is going to be central in the hearing and I am grateful for that particular statement.

Mrs. McGARRY. I appreciate that, sir.

Mr. KASTENMEIER. The gentleman from Illinois.

Mr. RAILSBACK. I want to thank Mrs. McGarry whom I have had the privilege of knowing for some time. She has been a really tremendous help in trying to protect the rights of juveniles, in expressing concern about them and in trying to motivate all of us in Government to do something about it. So, I am very grateful to have you here with us today.

Mrs. McGARRY. Thank you.

Mr. KASTENMEIER. The gentleman from Pennsylvania.

Mr. BIESTER. I also am grateful for the support that Mrs. McGarry and her organization have given to this legislation. I think there is a note that appears in your testimony expressing the concern that your organization has about a factor which I believe is very important and that is that we are not only concerned with preventing crime but that we are also concerned with this group of people who are briefly juvenile offenders at a very early age, who have some fine minds, some enormously creative personalities, and characters, which will not find themselves, unless we are able to reach them before they are snuffed out in their creativity and snuffed out in their capacity to use that intellect constructively. I think that focus comes through in your statement and I appreciate it very much.

Mrs. McGARRY. Thank you, Mr. Biester.

I might just add one comment to a question that came up to a previous witness as to the proportion of juvenile offenses compared to juvenile population. At the present time, our latest figures show a fourfold increase, four times the increase of juvenile population.

Mr. FISH. Could I ask you just to clarify that? You state that the rate of increase in juveniles is four times—

Mrs. McGARRY. The rate of increase in juvenile crimes is four times the increase of the juvenile population itself.

Mr. FISH. Juvenile population, not just total population?

Mrs. McGARRY. Yes, sir.

Mr. KASTENMEIER. Any further questions?

Mr. FISH. No further questions.

Mr. KASTENMEIER. I, again, and the committee would like to thank you, Mrs. McGarry, for your presentation this morning. You have been very helpful.

Mrs. McGARRY. I thank the committee for its courtesy.

(Mrs. McGarry's complete statement follows:)

STATEMENT OF THE AMERICAN PARENTS COMMITTEE, INC., MRS. BARBARA D. MCGARRY, EXECUTIVE DIRECTOR, ON H.R. 45, APRIL 28, 1971

The American Parents Committee welcomes this opportunity to testify in support of the proposed legislation under consideration by your committee. For the following reasons, we are especially appreciative of the interest of those members of the 92nd Congress who have introduced or cosponsored this legislation.

In 1972, our organization will have completed a quarter-century of service dedicated solely to the benefit of American children particularly those most in need. As a membership-organization, we have never asked for or received any Federal funds for our efforts, which are made possible by individual contributions from our distinguished membership in every state of the union.

A continuing focus of our concern has been the growing problem of juvenile delinquency, as considered at the Federal level by the Legislative, Executive and Judicial branches of government.

The first expression of national concern by the Executive branch reaches back over half a century to the creation of the U.S. Children's Bureau in 1912, with its mandate "to investigate and report . . . upon all matters pertaining to the welfare of children and child life among all classes of our people, and [to] especially investigate the questions of infant mortality, the birth rate, orphanage, the juvenile courts . . . legislation affecting children in the several States and Territories."

Unfortunately, this mandate was irreversibly weakened in the course of the past ten years through executive action. Final fragmentation of the Bureau's services was made official through an Executive Order of September 23, 1969, despite the combined protest of a number of national child-oriented organizations who shared the American Parents Committee's hard-dying hopes that an outpouring of public concern might strengthen the Bureau's services.

As your Committee is undoubtedly aware, national concern by the Legislative branch was first implemented by enactment of the 1961 Juvenile Delinquency Prevention Control Act. Our organization strongly supported the original Act and its extensions, and the 1968 successor Act. However, the indifferent administration of the 1968 Act became painfully apparent during Budget hearings on the second of three-year appropriations for the Act. The House Subcommittee on HEW Appropriations, under whose jurisdiction the JD Act of 1968 (P.L. 90-445) rested, reported in July 1969 (H. Rept. 91-391) that it was unable to act favorably on requested appropriations for the Act because "At the time of the Committee's hearings on this budget request, planning grants had not even been made."

Within a week of the issuance of this House Report, the American Parents Committee launched a nationwide survey asking State directors to itemize priority needs in juvenile delinquency prevention and control. The results of that survey, which are attached in excerpted form to this statement, were compiled in time for presentation to the appropriations subcommittee of the other body. Your committee's attention is invited especially to the urgent requests by the States for dispositional alternatives, particularly trained probation-officers for juvenile courts.

In reviewing the excerpted replies from the States, your Committee will note that emphasis is reiterated, time and again regardless of area, on the need for trained personnel, rather than "bricks-and-mortar". The consensus of the State directors seems to be that if "stone walls do not a prison make", they don't do much in the way of rehabilitation, either. The warehousing of youthful offenders,

as a simplistic response to the problem, is strikingly parallel to the increased rate of recidivism; and, incidentally, more than twice as expensive per year as student-costs for a year at any Ivy-League college. In sharp contrast, pilot programs recently instituted in California and Washington state for probation-work with juvenile offenders are half as expensive as institutionalization, with indications of lowering recidivism substantially.

Early in 1970, APC's hopes for strong leadership in the Executive Branch for this area were briefly revived, with the appointment of a new director for SRS's Office of Juvenile Delinquency Prevention, later renamed the Youth Development and Delinquency Prevention Administration. However, the subsequent regionalization of responsibility for ongoing programs has been accompanied by an increasingly apparent reluctance for leadership at the Federal level. No specific draft-legislation proposed by HEW has been introduced to succeed the 1968 JD Act (which expires July 30, 1971), beyond the one-sentence request of H.R. 6247 for a \$75 million, five-year extension of the 1968 Act.

It has been stated before many Congressional committees by many different organizations, and in many Commission reports—both Presidential and garden-variety—that 50% of all serious crime is now being committed by persons under 18. Members of your committee are well aware of legislation passed in related areas—the Community Mental Health Centers Act; the Comprehensive Drug Abuse Prevention and Control Act; ESEA's Title I provisions for drop-out prevention and for education of institutionalized juvenile offenders; and the Drug Abuse Education Act, in accordance with the prevalent understanding that half of all street-crimes are drug-related. All of this legislation has been supported by our organization, as well as many other national child-oriented groups. Despite all the above efforts, the rate of juvenile delinquency has continued to climb—and even more ominously, the rate of recidivism, currently reported at 75%.

One month ago, on March 22, in transmitting to the Congress HEW's required report on the last two years' administration of juvenile delinquency programs, President Nixon called for more efficient use of existing knowledge, funds, and programs for the prevention and control of juvenile delinquency. (See Attachment 2.)

The American Parents Committee is especially appreciative for this expression of Presidential concern. During the past year, our organization has concentrated special efforts on the problem of coordinating and strengthening those programs. APC's Executive Director has consulted with individuals and organizations outstanding in this field both nationally and internationally, and is particularly indebted to the other delegates to the July 1970 U.S.-sponsored Geneva Conference of the International Association of Youth Magistrates. At the risk of sounding chauvinistic, it appeared to this delegate that the other members of the U.S. delegation provided an outstanding contribution to the Geneva conference.

With the benefit of the above consultations, the American Parents Committee's delegate to the 1970 White House Conference on Children presented a four-part Resolution at the December 17 plenary session, which was adopted unanimously at the session. All four sections of our resolution dealt with the necessary interrelation of services for juvenile delinquency prevention and control. The first section, on emergency health services, was subsequently passed by both Houses of Congress and signed into law (P.L. 91-623) on December 31, 1970. The second and third sections, dealing with Community Mental Health Centers services for children and with Child Welfare funding, already exist in authorizing legislation and, hopefully, will receive increased appropriations. Our fourth section urged the establishment of a National Institute "for the training and accreditation of probation officers for our nation's juvenile courts, with grants to the States for alleviating the critical shortage of these Advocates for the Child as officially designated by our system of juvenile justice."

On January 22, the opening day of the 92d Congress, H.R. 45 was introduced, to "establish an Institute for Continuing Studies of Juvenile Justice." With the conviction that this proposed legislation coincided completely with APC's White House Conference resolution, H.R. 45 was strongly recommended for approval at our annual Board of Directors meeting on February 5, 1971.

Since our organization represents parents who are also taxpayers in every state in the union, the following criteria are customarily applied to consideration of any legislative proposal:

(1) Does it respond to an unmet national need of children that cannot be adequately met at the local or State level; and does it support, rather than preempt, sovereign authority residing at those levels?

- (2) Does it benefit the child, rather than any organization or group of adults?
 (3) Is the proposal economically justifiable, if implemented?

The unanimous answer from our Board of Directors, in the case of H.R. 45, was an emphatic "yes" to all three questions.

There can be no doubt that there is an urgent need to coordinate all existing juvenile delinquency programs at the Federal level, and that such coordination can be accomplished only by an unbiased, independent Institute. Any lingering doubts have been irrefutably dispelled by last month's hearings by the other body's Subcommittee on Juvenile Delinquency, held to ascertain the current status of programs conducted by HEW, Hud, Labor, and Justice. At the hearings, which APC's executive director attended, it was firmly established that no single authority exists within any of these Departments solely to direct juvenile delinquency programs, or to coordinate one Department's programs with others, to avoid overlapping or duplication. Although very substantial sums of money are involved under each Department's general heading of "juvenile delinquency programs", interrogation of witnesses by members of the Committee on both sides further established that there is intense inter-Departmental and even intra-Departmental competition. As a result of these hearings, no stronger argument could be made for the need for a disinterested, impartial coordinating body such as envisioned by H.R. 45.

It is an often-repeated truism to emphasize that children are our most valuable national resource; and if we begrudge rehabilitative efforts for those children most in need, to that extent our nation's future is imperilled. We believe H.R. 45 reaffirms this eloquently, in proposing a multidisciplinary approach in its training programs for professional personnel, and in offering a single Federal-level clearing-house for receiving and disseminating information on proven-effective programs in the various States. The entire thrust of H.R. 45 is toward the child most in need; *the child already in trouble*.

We are convinced that communities and states would welcome the opportunity, extended to them on a purely voluntary basis, of sending prospective probation officers and other personnel attached to their juvenile courts, to one central locus of instruction, rather than imposing on the taxpayers of each state the added expense of establishing a number of separate training-institutes. The benefits of this plan are obvious not only from an economic standpoint, but also qualitatively and quantitatively. A Federal-level training Institute could offer more comprehensive instruction, based on compiled expertise of all cabinet-level Departments, to more enrollees, at lower cost, with the graduates then prepared to apply the "each-one-teach-one" principle in the community to which they return.

In the current national "crunch" of rising costs and salaries against the growing need for services, we believe the sponsor and cosponsors of H.R. 45 are to be highly commended for their thoughtful analysis of a pressing national problem, with a logical and comprehensive response that is in the finest tradition of the United States House of Representatives.

EXCERPTS, BY STATE, OF REPLIES RECEIVED ON SURVEY BY AMERICAN PARENTS
 COMMITTEE ON JUVENILE DELINQUENCY, DECEMBER 1969

ALABAMA

"Without increased funding by the Federal government, we fear that effectiveness of [our] comprehensive plan will be negated . . . need dictates the consideration of regional detention facilities, increased number of court-employed probation officers, a definite program of aftercare, and a diagnostic evaluation and reception center. Without adequate funding it would be difficult to implement any of these programs."—Commissioner, State Department of Pensions and Security.

ALASKA

"We know . . . that many young children in the State of Alaska could be prevented from getting into further trouble if we had more individual foster and group homes. If we had the necessary training [funds] available to increase the number of responsible adults, this would cut down enormously the need of confining young people to institutions for control."—State Division of Corrections.

ARIZONA

"We have received a \$5,000 grant from HEW . . . this year we will spend more than \$2,000,000 of tribal funds for police and judicial budgets . . . Federal funds in any amount would be deeply appreciated."—Navajo Tribe, Judicial Branch.

ARKANSAS

"The greatest need in the area of Juvenile Delinquency prevention and control is the establishment of a strong local program, [to] include an effective Court system with sole concentration on juveniles . . . Adequate detention facilities for delinquent and welfare children are a necessity."—Boy Land of Arkansas, Inc.

"The Arkansas Juvenile Training School Department strongly supports full funding of P.L. 90-445."—Executive Director Paul Shipley.

"Because of insufficient funds we will be unable to expand staff and services for the first year of the three year period [of P.L. 90-445] . . . only a few rural counties have even minimal services."—Conway County Community Service.

CALIFORNIA

"The LEAA State Planning Agency, as a part of its comprehensive plan, established a state plan in the area of juvenile delinquency in which it seems that the area of delinquency *prevention* has not received extensive emphasis . . . it is anticipated that P.L. 90-445 funds will likely be used to initiate an extensive effort in the area of delinquency prevention programming . . . [we have] on hand at present proposals for action projects in this area totalling in excess of four million dollars . . . California is making an extensive effort to deal with the problem of juvenile delinquency."

"There needs to be a stronger emphasis on prevention and control, with involvement of youth and adults in program planning and clarification of real issues."—New Careers Development Organization.

"Police officers are in the most strategic position of all juvenile justice personnel since they contact youth at the earliest state of misconduct . . . Training will also enable officers to participate actively in community organization efforts to plan well balanced delinquency prevention programs . . . Training funds should be tripled at least to meet the urgent need throughout the nation."—Delinquency Control Institute, USC.

"We feel very strongly that not enough emphasis is being placed on affirmative programs aimed at dealing with the positive problems of delinquency prevention in lieu of simply reacting to symptoms of the problem all too often in some repressive or haphazard manner . . . easily triple the amount currently allocated is needed to deal with the agonizing problem of narcotics and drug addiction, police-youth relations, and a wide range of concerns that we identify in the area of job motivation."—Teen Post Program, Los Angeles.

"There is a dire need for [trained] personnel, and most particularly bi-lingual or from minority groups. Minority group youngsters have a high degree of juvenile delinquency due to their lack of opportunity and impoverished position. I speak at least from the California viewpoint where we have over one million Mexican-Americans. This is why the need for bi-lingual social workers trained in juvenile delinquency prevention."—Chico State College, JD Training Project.

COLORADO

[We need] "community-based programs and facilities, coordination of all efforts, and training . . . As the program has progressed, our State, among others, has been greatly disappointed at the level of financing of this important [JD] bill."—State Department of Institutions, Division of Youth Services.

"Certainly one of the most pressing needs . . . is for a greater number of effective paid and unpaid persons to involve themselves . . . with a greater emphasis upon programs in [juvenile delinquency] prevention than in control."—National Information Center on Volunteers in Courts, % Boulder County Juvenile Court.

CONNECTICUT

"The most pressing need in Connecticut for delinquency prevention and control programs is the establishment of community facilities such as intensive probation services, diagnostic services, group homes, (and) correctional school programs which train young persons for realistic employment goals."—State Planning Committee on Criminal Administration.

DELAWARE

"We are presently using our grant . . . to finance a survey of all juvenile delinquency problems and projects in the state . . . there is great public con-

cern about juvenile delinquency in Delaware . . .”—State Agency to Reduce Crime.

DISTRICT OF COLUMBIA

“The need for vast increases in funding for juvenile delinquency prevention and control is obvious in view of the growing incidence of juvenile crimes and the resulting cost to society in terms of wasted lives as well as the immediate economic cost.”—Executive Office, Government of the District of Columbia.

FLORIDA

“The Division of Youth Services and the State Juvenile Delinquency Task Force are in agreement that the most pressing need in the area of juvenile delinquency prevention and control is the provision, at local community level, of good diagnostic services and a wide variety of prevention and rehabilitation programs which provide alternatives to commitment to large state-operated training schools. I am disturbed by certain critical shortcomings in the [present] law, the correction of which is the substance of the Dodd amendment now under consideration by the Senate.”—State Division of Youth Services.

GEORGIA

“The public concern about delinquency is so great that the [budgeted] \$15 million could easily be spent in Georgia alone . . . Group homes are needed for delinquents returning from institutions . . . training is desperately needed for child-care workers, social workers, probation officers and police officers . . . school personnel need to be trained to identify predelinquent symptoms; parents need to become involved in delinquency control projects . . . Our delinquency problem is serious and continues to grow.”—State Planning Bureau.

HAWAII

“Major concern on our part is [on] . . . the youth drug problem in which Hawaii, as well as the nation as a whole, has experienced an alarming exacerbation in the last few years . . . Judging by the willing participants from our State and local agencies, the response is gratifying and indicates an awareness of the problem of delinquency.”—State Law Enforcement and Juvenile Delinquency Planning Agency.

IDAHO

[We have] “focused our attention on the lack of adequate physical facilities to either house or work with children known to the court . . . the state is almost completely without proper child care facilities . . . [we] would not be able to assist in the accomplishment of some of the projects which are being considered unless these are funded under a multi-year program, because total financing appears to be greater than any local unit could finance in a single year.”—State Law Enforcement Planning Commission.

INDIANA

“There is a great deal of hand-wringing on both local and state levels on the problem of juvenile delinquency . . . But beyond these opinions very little is being done, nor will be done until professional leadership with an understanding of the phenomenon and the skills to work with it are produced . . . Local committees are not equipped to deal with the demands placed upon us by the problems of juvenile delinquency. We need national participation.”—Anderson College, JD Training Program.

KANSAS

“The most pressing need in the area of juvenile delinquency prevention and control in Kansas can be categorized into two areas: (1) The lack of proper facilities for detention and treatment and a lack of the corollary juvenile probation officers necessarily associated as an alternative; (2) The true prevention of juvenile delinquency by early identification and correction prior to judicial involvement.”—Governor’s Committee on Criminal Administration.

KENTUCKY

“Our Department and the Juvenile Delinquency Committee of the Kentucky Crime Commission have agreed on the development of community based Youth

Service Bureaus . . . for children who come to the attention of local authorities, schools, neighbors, etc. . . . as a positive alternative to commitment by the court to a state institution."—State Department of Child Welfare.

"Most concerned citizens seem to recognize that delinquency needs to be tackled because of its generating effect on adult criminality and because of the rising tendency for youthful lawlessness."—Kentucky Commission on Law Enforcement.

LOUISIANA

"The [greatest] need is for properly trained probation officers, and the need for residential resources and facilities for neglected and delinquent children . . . The Juvenile Court requires approximately twice as many Probation Officers as are on the staff at this time."—Orleans Parish Juvenile Court Administrator.

MAINE

"The most pressing need, at this time, in the area of juvenile delinquency is to coordinate the efforts of various concerned public and private non-profit agencies."—Maine Law Enforcement Planning and Assistance Agency.

MARYLAND

"There is a vital need for the development of a system of community based treatment facilities, so that [juvenile offenders] instead of being separated from the community, are reintegrated into their community environment."—Governor's Commission on Law Enforcement.

MASSACHUSETTS

"There is a tremendous reservoir of interest in developing programs . . . The problem is lack of resources, and funds, to turn ideas into programs . . . The interest is phenomenal."—Governor's Committee on Law Enforcement.

MICHIGAN

"We have found that most personnel engaged in [juvenile delinquency control] work have had very little or no preparation for it . . . without qualified personnel, the best designed programs are futile."—University of Detroit, Correctional Program.

MISSISSIPPI

"Mississippi has very few existing resources in the area of juvenile delinquency programs. We desperately need a statewide structure providing for regional detention centers, local community juvenile probation and parole officers, and strong preventive programs in our public school systems. We also have need for foster and group homes. Considerable funds for delinquency programs are needed in Mississippi because of our lack of resources . . . If a program of juvenile probation and parole is implemented, State money is not available for staffing and development . . . As you know, \$50,000 which is allocated to each State at present, under P.L. 90-445, comes nowhere near the amount needed for comprehensive planning or effective programming. Considering our needs of facilities, staff and preventive programs, several millions of dollars will be needed in Mississippi."—State Division of Law Enforcement Assistance.

MISSOURI

"The most pressing need in the area of juvenile delinquency prevention and control is additional professionally trained workers and additional treatment resources . . . the citizens of Missouri are becoming increasingly aware of the crime and delinquency problem."—Governor's Crime Control Commission.

MONTANA

"Montana, being a rural state with wide-spread population factors, certainly needs as much federal funding to support our local funding problems . . . [we feel] the lack of uniformity throughout the juvenile justice system . . . Montana is far below the average with respect to being a grantee for federal funds in the prevention and control of juvenile delinquency."—Governor's Crime Control Committee.

NEBRASKA

"Federal assistance will be the key to whether we will eventually be able to respond successfully to the growing problem of juvenile delinquency, or whether we will allow the problem to overwhelm us and then try to deal with it."—Governor's Commission on Law Enforcement.

NEW HAMPSHIRE

"The status of our planning under [the Juvenile Delinquency Prevention and Control Act] is still in the initial state. Programs under this Act will be administered by this Commission."—Governor's Commission on Crime and Delinquency.

NEW JERSEY

"We find that probation and parole today are ill-equipped to provide the full range of services that a juvenile offender requires to give him a chance of rehabilitation. We know that there is a great lack of facilities for juveniles in New Jersey's counties, both shelters for pre-delinquents and detention facilities for juvenile offenders. The facilities that do exist are crowded and inadequate. We know that often convicted juveniles must remain in detention facilities for months after their conviction because of a lack of needed correctional and non-correctional institutions . . . State and local officials are frustrated in their efforts to improve the juvenile justice system because of a lack of adequate funds."—State Department of Community Affairs.

NEW MEXICO

"We feel that the specialized juvenile delinquency planning effort now underway will point up the very definite need for more adequate funding in that area."—The Hon. David F. Cargo, Governor.

"It is essential to close some credibility gaps and get youth to 'listen' . . . I believe we must develop on a large scale basis successful role-models who can communicate with youth from similar background in language they can understand and respect. I see teams of such persons as providing meaningful intermediate linkage between delinquency-prone youth and our formal agencies of social control . . . It is something of a paradox that, in the most affluent society the world has ever known, there is so much apparent alienation of youth."—Director, N. M. State University, Department of Sociology.

NORTH CAROLINA

"We believe that the most pressing needs in the area of juvenile delinquency are in the personal attention that can be given a youngster and in the need to inform our public of the damaging effects of juvenile delinquency not only in economic loss but in the waste of human potential."—N. C. Wesleyan College, Juvenile Motivation Council.

OHIO

"Needs that must be met if we are to achieve a significant improvement in prevention and control of delinquency are: (1) modifying those social conditions which enhance a youth's susceptibility to delinquency; (2) providing quality services to troubled youths and their families at the earliest possible convenience; (3) improving the education and training of personnel working with youth."—Ohio Youth Commission.

OKLAHOMA

"Development of methods . . . to identify the potential delinquent early, new methods of coping with the pre-delinquent in our schools, and . . . the inducement of community concern for children in all areas constitute the pressing need."—Oklahoma Public Welfare Commission.

"The shortage of staff, not only within the Juvenile Bureau of the District Court, but also in the Juvenile Division of the Police Department [results in] probation counselors bemoaning the fact that they did not have enough time to spend with the child, and that because of this the child was committed to an institution."—Tulsa Juvenile Bureau of the District Court.

OREGON

"Our top priority items include earlier identification of the crime-prone child, alternatives to institutionalization, and upgrading law enforcement personnel

regarding the problems, needs and resources available in handling and caring for delinquent and delinquent-prone children."—Executive Department, Law Enforcement Council.

"The Division of Continuing Education, in cooperation with the Oregon State Corrections Division and Oregon Juvenile Courts, will operate a juvenile court staff training program . . . [to include] management, counselors, and child care workers . . . I feel that each state would require at least \$150,000 [under P. L. 90-445] for the first year in planning and developing an adequate in-service training program for juvenile courts . . . In our state there is a great deal of interest and concern on the problem of juvenile delinquency."—Oregon State System of Higher Education.

SOUTH CAROLINA

"We feel that we can prevent more serious and frequent violations by a boy if we reach him early enough. At present, boys committed to South Carolina correctional institutions are receiving little more than custodial services . . . There are many problems which additional funds could alleviate such as: (1) Understaffing of our Juvenile Court; (2) underpaid probation counselors; (3) special training of police officers; (4) provision for more psychiatric therapy personnel."—Rock Hill, S.C., Jaycees, Inc.

TENNESSEE

"The most pressing need is an agreement upon the term 'juvenile delinquency.' This term is meaningless. It covers a complete range of behavior from simple parent-child conflict to first-degree murder. We must decide if the Juvenile Court is to be a social agency or a court . . . whether the Juvenile Court is treatment oriented or punishment oriented . . . Assuming a treatment program, perhaps money spent on developing an adequate staff with a good foster home program would be beneficial."—Director, Division of Law Enforcement, Memphis State University.

TEXAS

"Local and regional Councils of Government, participating in the preparation of the State plan for Texas under the Omnibus Crime Control and Safe Streets Act, almost without exception gave top priority to problems of juvenile delinquency. A great source of disappointment and concern . . . was the lack of funds earmarked for juvenile corrections and law enforcement—in other words, what they considered to be an adequate appropriation under the Juvenile Delinquency Act of 1968 to mount a concentrated attack on juvenile crime . . . There is practically no statewide financing for juvenile community-based corrections, and none at all for juvenile law-enforcement or juvenile courts, although the adult correctional system as well as the adult parole system are state financed . . . As a result, there is serious lack of financial support and of trained manpower in juvenile courts, juvenile probation departments, and special juvenile bureaus in police departments."—Director, Institute of Contemporary Corrections, Sam Houston State University.

"At no time in history has a society focused so much attention on the problems of crime and delinquency. We as Texans are deeply concerned with the immense and ever-increasing rates of crime in our State . . . Our first concern must be in the area of prevention [5 pilot-project proposals for training, preventive services and community-based services now pending, . . . At present we have been funded for one project for \$3,381 and are in need of \$291,381 additional funding from the government if we are to accomplish any effective programming in the area of juvenile delinquency."—Dallas Juvenile Court Services Department.

UTAH

"As a state division, we have been aware of a growing concern in the local communities for the development of services for the predelinquent, as well as adjudicated delinquent . . . However, many agencies are so overwhelmed in treating a variety of psychosocial problems that emphasis was not placed on working with the adolescent . . . unfortunately, due to nonavailability of funds, needed progress have not been implemented."—State Department of Social Service Division of Mental Health.

"We desperately need additional funds to hire and train competent staff, open neighborhood probation facilities, expand other treatment resources, and improve the quality of all Juvenile Court programs."—Administer, State Juvenile Court.

VERMONT

"Halfway houses and police-youth relations are areas with potential in Vermont as far as action programming is concerned . . . There is a definite interest in terms of education, prevention and rehabilitation from the communities as a whole."—Governor's Commission on Crime Control and Prevention.

WASHINGTON

"Early detection and resources and facilities to help prevent and control the increase in juvenile delinquency (is the greatest need) . . . at the local level I feel there is a tremendous response on the problem of juvenile delinquency."—Snohomish County Juvenile Court Delinquency Training Project Director.

WEST VIRGINIA

"We concur heartily with the President's Commission on Law Enforcement and the Administration of Justice, and with the Joint Commission on Correctional Manpower and Training, in assessing manpower and training as a crucial need in the area of Juvenile Delinquency Prevention and Control . . . The influx of Federal funding has enabled the West Virginia Department of Welfare to implement and fulfill responsibilities given to us many years ago by our Legislature. The lack of available State funds had prevented the fulfillment of statutory responsibilities related to the care of children referred to courts exercising juvenile jurisdiction; funds available under P.L. 90-445 have enabled our agency to more adequately meet our responsibilities to children in trouble."—Commissioner, W.V. Department of Welfare.

WYOMING

"To our knowledge, Wyoming has at the most one or two separate juvenile detention facilities available for local government. In almost every county and city juveniles are housed with the general jail population in antiquated and inadequate county and municipal jails . . . An attack on this particular problem would involve millions of dollars . . . In terms of funding under P.L. 90-445, the State of Wyoming is very concerned about the two unreasonable restrictions; namely, the requirement that a state match 50% of the local matching share for action programming and the fact that those wishing to participate under Section 131 of the Act in a block grant approach may not spend any of the money available for state level programs . . . Wyoming, and I feel many other states, will be unable to participate fully in the programs offered under the Juvenile Delinquency Prevention and Control Act until these two restrictions are lifted."—Governor's Planning Committee on Criminal Administration.

GUAM

[The most pressing need is] "facilities to provide children and youth programs and activities."—Governor's Committee on Children and Youth.

TRUST TERRITORY OF PACIFIC

[As to most pressing needs] "Alcohol consumption is getting to be a major problem with our youths in the Trust Territory."—Office of High Commissioner, Saipan, Mariana Islands.

PUERTO RICO

"The growing incidence of crime in Puerto Rico involving youth is a matter of particular interest to the Commonwealth government and its citizens."

VIRGIN ISLANDS

"Our appraisal of the most pressing need in the juvenile area is the provision of adequate rehabilitative and correctional services . . . There is [here] a greater concern for the juvenile problem with all its ramifications than for any other aspect of the criminal justice system."—Virgin Islands for Law Enforcement Commission.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.

"I would consider the most pressing need in the area of juvenile delinquency prevention and control as being in the areas of public education and training

programs for those involved in the field of juvenile justice."—IACP Management and Research Division.

YMCA

[We consider] "the most pressing needs are: (a) to help build family stability; (b) to develop school systems that can cope with the needs of the drop-outs; (c) to develop cadres of trained personnel who can seek out young persons in trouble and help them reestablish their link to society."—National Council of YMCA of USA.

Mr. KASTENMEIER. The Chairman also would like to announce that we have a statement from the American Civil Liberties Union by Daniel Resnick. Is Mr. Resnick here?

My indication was that this statement was to be presented for the record and without objection, it will appear in the record.

The Chair would like to announce that that concludes our witnesses on the bill H.R. 45 and similar bills and our next meeting, pending receipt of certain additional information, will be an open executive session on this matter. Accordingly, the subcommittee stands adjourned.

(Whereupon, at 12:20 p.m. the subcommittee adjourned.)

STATEMENT OF HON. FLORENCE P. DWYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, I greatly appreciate this opportunity to express my continuing and unreserved support for Congressman Tom Railsback's bill to establish an Institute for Continuing Studies of Juvenile Justice.

The legislation was originally introduced in the 91st Congress, and brief hearings were held by this subcommittee. Unfortunately, action was not concluded before adjournment. Therefore, I am delighted the bill is receiving early consideration in this Congress.

There are numerous reasons for immediate and affirmative action. First, the legislation has the bi-partisan support of over one hundred Members of Congress.

Moreover, at every step of the way, interested parties—representatives from the Department of Justice and the Department of Health, Education, and Welfare; law enforcement officials directly involved in the prevention and control of juvenile delinquency; and members of the American Parents Committee—have been consulted and their views incorporated in the drafting of this bill. We have heard statements from representatives of these groups, testifying on behalf of the objectives of the legislation.

However, the most persuasive reason to support this bill is the appalling increase in juvenile crime. The upward trend in delinquency rates which began in 1962 continues. Between 1968 and 1969, the number of cases handled by U.S. juvenile courts rose 10 percent. During the same period, the population of young people increased by only 2 percent.

Young people are also becoming more involved in serious crimes, and they have a disproportionate share of all arrests. Even though individuals under the age of 18 comprise less than 20 percent of the population, they account for nearly 32 percent of all criminal offenses solved. It is sad that juveniles account for nearly one-third of the entire crime problem, and that for most of these young people their first criminal act represents only the beginning of a life at odds with society. Within five years, over 72 percent will be arrested again.

Something is clearly wrong. All of our present efforts have not reversed the skyrocketing trends.

The Joint Commission on Correctional Manpower and Training identified two major causes of the ineffectiveness of our attempts to deal with criminal activity.

First, the Commission found that correction today is characterized by an overlapping of jurisdictions, a diversity of philosophies, and a hodge podge of organizational structures which have little contact with one another.

Second, lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, administrators mandate policies, and both cause large sums of money to be spent on ineffective corrective methods.

In short, we are doing all of the wrong or inadequate things to combat juvenile delinquency at tremendous costs to the taxpayer.

President Nixon has stated our programs are presently fragmentary and ineffective, and it is obvious that they need a change in their direction and emphasis.

I believe the creation of an Institute for Continuing Studies of Juvenile Justice is the approach so desperately needed. Since the subcommittee is familiar with this legislation, I will not burden it with another recitation of details.

However, let me say that sponsors of the bill are convinced its two-fold purpose will be extremely effective in combating one of the nation's major unsolved social problems.

First, the Institute will serve as a coordinating center for all information about juvenile delinquency. Presently, there exists a vast amount of information on the subject, and it would be extremely valuable to have it centralized.

Second, the Institute will train persons engaged in the control and treatment of juvenile offenders. Patterned after the FBI, the Institute will be able to assist state and local persons in combating delinquency in their own jurisdictions.

I am proud to join with many of my House colleagues in sponsoring the bill and am pleased to note identical language has been introduced in the Senate.

Unless an effort of the magnitude of the legislation to establish an Institute for Continuing Studies of Juvenile Justice is undertaken immediately to reverse the spiraling rate of juvenile delinquency, we will accept for many of our children the immense burden of destructive and wasted lives.

We have much to gain by early action, Mr. Chairman.

Thank you.

STATEMENT OF HON. JAMES D. "MIKE" McKEVITT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. CHAIRMAN. I appreciate the opportunity to present my views to the distinguished members of this Subcommittee.

I support the proposal to establish an Institute for Continuing Studies of Juvenile Justice. As a former Denver District Attorney, a post I was privileged to hold for three and a half-years, I feel there is a definite need for such an Institute.

I have always felt that one of the best ways to cope with our crime problem is to do something about Juvenile Delinquency. All studies have shown that Juvenile Delinquency is responsible for a disproportionate share of our National crime problem. It is also a fact that recidivism is highest among youth offenders.

While it is true that solving our crime problem involves complicated sociological problems, it seems to me that one way to attack the problem of juvenile delinquency on a more immediate basis is better co-ordination between our courts, law enforcement officers, correction and rehabilitation officials and those in the social sciences.

The proposed Institute for Continuing Studies of Juvenile Justice would be a step in this direction. By providing a center for training and dissemination of information on dealing with the problem of juvenile delinquency, by the sharing of information and experiences among those involved in this work, we would be mounting a new approach to the problem.

While many say the great hopes for our Juvenile Courts have not been realized. I wonder whether we have done all we can to give them the opportunity to operate as they should. Certainly, we do not want to abandon the Juvenile Court system and refer all children to criminal courts.

I believe this proposed Institute would help bolster our Juvenile Court system. It would provide a means for improved training of law enforcement officers by permitting them to become more familiar with the special characteristics of youth offenders. It would give our Juvenile Court Judges an opportunity to judge. It would also give Juvenile Court administrators the opportunity to enhance their professionalism and thereby alleviate many Judges from administrative duties. In short, Mr. Chairman, the Institute would offer training and information. I believe the effect would be that the function of our Juvenile Courts would be more systematically and uniformly employed thus making our Juvenile Court system more functional and effective.

There may be a difference of opinion over this nation's priorities and there may be differing opinions over how to meet our problems, including our crime problem. But certainly we all agree that the salvaging of young and productive lives from crime is a major priority. This is why I support establishment of an Institute for Continuing Studies of Juvenile Justice.

I hope we will see action on this proposal during this session of Congress. I also thank the Chairman and members of the Subcommittee for giving me the opportunity to present this statement for the record.

STATEMENT OF DANIEL RESNECK ON BEHALF OF THE AMERICAN
CIVIL LIBERTIES UNION ON H.R. 45, APRIL 28, 1971

The American Civil Liberties Union strongly supports H.R. 45, a bill to establish an Institute for Continuing Studies of Juvenile Justice. This bill, which has also been introduced in the Senate as S. 1428, is being sponsored by numerous members of Congress of both parties.

The primary purposes of this legislation are two-fold: (1) to provide training programs and facilities for persons concerned with the prevention, control and treatment of juvenile crime and delinquency; and (2) to act as a national clearinghouse of information and studies on juvenile delinquency and the juvenile justice system.

No one can deny the urgency of the problems which have prompted this imaginative legislative effort. The statistics speak for themselves: juveniles commit about one-half of all serious offenses in this country; the juvenile crime rate is rising even more rapidly than the adult rate; the recidivism of youthful offenders is shockingly high, almost three-quarters being re-arrested within five years.

It is clear that juvenile crime and delinquency are not under control. The juvenile justice system is not accomplishing its objectives. Although juvenile crime and delinquency are primarily the responsibility of State and local governments, a major national effort is also needed to deal with these problems. The federal government has a creative role to play, and this legislation is an example of it.

Providing training for persons involved in the juvenile justice system—law enforcement officers, judges, probation and correctional officers, psychiatrists and psychologists, social workers, members of the bar, and others—is a matter of high priority. This is an essential step toward achieving specialized treatment and rehabilitation of juvenile offenders in order to halt the alarming increase in juvenile crime and delinquency.

Recent judicial decisions have enhanced the legal rights of juveniles and have infused a larger measure of procedural fairness into the juvenile justice system. But we have not done nearly enough to give the juvenile justice system the tools to do its job. The system has vastly increased responsibilities, but it lacks the resources, including the trained personnel, to meet those responsibilities.

The National Crime Commission stated:

"One reason for the failure of the juvenile courts has been the country's continued unwillingness to provide the resources—the people and facilities and concern—necessary to permit them to realize their potential." (The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: *Juvenile Delinquency and Youth Crime*, p. 7 (1967)).

This poverty of resources of the juvenile justice system threatens the premises on which the juvenile court movement in this country has been built. The basic assumption of the juvenile justice system has been that juvenile offenders must be provided specialized treatment and rehabilitation to avert criminality in its incipency. Yet the Supreme Court has found that under our present system, juveniles may receive "the worst of both worlds. . . . neither the protections accorded to adults nor the solicitous care and regenerative treatment" postulated for juveniles. (*Kent v. United States*, 383 U.S. 541, 556 (1966)). The juvenile justice system in this country will not endure unless it can make good on the promise of providing specialized treatment for juvenile offenders.

More and better trained personnel in every part of the juvenile justice system are urgently needed. In many communities law enforcement officials have no special training in handling juvenile offenders, specialized juvenile squads do not exist, and juveniles are handled and processed in virtually the same way as adult offenders. Juvenile court judges themselves frequently lack the necessary training to deal effectively with youthful offenders. A recent study of the National Crime Commission reported that less than ten percent of all juvenile court judges in the country were full-time; three-quarters devoted less than one-quarter of their time to juvenile matters; a fifth were not members of the bar; a quarter had no law school training; a half had no undergraduate degree. Few juvenile court judges have any training in such subjects as psychology, sociology, criminology,

or other disciplines which are deemed indispensable to deal with juvenile delinquency by most authorities in the field. The Supreme Court has observed that while "good will, compassion and similar virtues are . . . admirably prevalent throughout the system . . . expertise, the keystone of the whole venture, is lacking." (*In Re Gault*, 387 U.S. 1, 14 (1967)).

Other trained personnel are lacking throughout the juvenile justice system. About one-third of all full-time juvenile court judges have no probation and social work staff regularly available to assist them. Between 80% and 90% of the judges have no psychologists or psychiatrists regularly available to their courts. Correctional facilities available to the juvenile court judges are similarly deficient; there are not enough trained personnel.

The persons already working with dedication in the juvenile justice system must be afforded the additional training and skills they need. It is necessary to enlarge many times over the pool of trained personnel on which the juvenile system throughout the country can draw.

A National Institute such as contemplated by this legislation offers the best opportunity thus far for efficiently training such personnel. It will afford persons working in this field at the State and local level with the best available information and techniques in the treatment and control of delinquency.

The second major purpose of this legislation—the collection and dissemination of information about the juvenile justice system—is also of great importance, especially in fashioning long-range solutions to problems of juvenile crime and delinquency. We need to know much more than we do now about many basic issues if we are to formulate successful policies to deal with them.

For example, the detention of juvenile offenders is one of the most difficult and urgent problems of the system. Although juvenile court laws generally provide for the separation of juvenile and adult offenders, it has been widely reported that each year thousands of juveniles are held in adult jails throughout the country. A study prepared for the National Crime Commission estimated that for over 90% of the juvenile court jurisdictions in the country, serving almost one-half the population, there is no place of detention for juveniles other than the county jail; many of these jails are so antiquated and rundown as to be unsuitable even for adults. Juvenile detention facilities have been characterized as a "national disgrace." We need to know the facts about such practices in order to deal with them intelligently, with due regard for individual rights of juveniles and for community needs.

There are many other areas of the system requiring intensive study and exchange of information. Very little has been done thus far to gather and disseminate information on the relationship of mental illness and juvenile delinquency. This problem is of great importance at a variety of points in the juvenile justice system: whether an alleged juvenile offender is competent to stand trial; whether he is responsible for his acts; what treatment should be afforded him; and what resources and facilities are available for such problems. It is impossible to deal with problems like these effectively and to fashion durable legal rules and principles unless and until we know more about the underlying facts.

Persons dealing in their local communities with these problems need to know what their counterparts in other communities are doing, how these problems are being faced elsewhere, and what resources, techniques, and knowledge are available. A national clearinghouse, such as this legislation provides, will provide persons in the juvenile justice system throughout the country with ready access to the most up-to-date and useful material.

The proposed legislation will enable the federal government to act constructively to help combat juvenile crime and delinquency. It is through such painstaking and undramatic approaches to these problems—rather than through "law and order" rhetoric—that we can make real progress toward their solution.

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

THURSDAY, JULY 23, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 3 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:05 a.m., pursuant to call, in room 2226, Rayburn House Office Building, Hon. Robert W. Kastenmeier presiding.

Present: Representatives Kastenmeier, Mikva, Edwards, and Biester.

Staff members present: Herbert Fuchs, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. The hearing will come to order.

Subcommittee No. 3 has met this morning to receive testimony on H.R. 14950 and related bills, to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

This legislation would create and make available a short-term training program for law enforcement officers, welfare workers, juvenile judges, and probation and correction personnel.

It would also serve as an information bank or clearinghouse for disseminating current information which would provide continuing education and training for persons working with juvenile delinquency.

A total of 11 bills embodying this legislation have been introduced in the House by approximately 100 authors and sponsors. These include our Judiciary Committee colleague from Illinois, Mr. Railsback, and our subcommittee colleagues, Mr. Mikva, from Illinois, and Mr. Biester, from Pennsylvania, who will testify this morning.

A copy of H.R. 14950 and a list of identical House bills and their authors and cosponsors will be inserted in the record at this point.

91ST CONGRESS
1ST SESSION

H. R. 14950

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 24, 1969

Mr. RAILSBACK (for himself, Mr. MIKVA, Mr. BIESTER, and Mr. WYATT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. Part IV of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 chapter:

I

1 **"Chapter 404.—INSTITUTE FOR CONTINUING**
2 **STUDIES OF JUVENILE JUSTICE**

"Sec.

"5041. Establishment; purpose.

"5042. Functions.

"5043. Director and staff.

"5044. Powers.

"5045. Advisory Commission.

"5046. Location; facilities.

"5047. Curriculum.

"5048. Enrollment.

3 **"§ 5041. Establishment; purpose**

4 "There is hereby established an Institute for Continuing
5 Studies of Juvenile Justice (hereinafter referred to as the
6 'Institute'). It shall be the purpose of the Institute to
7 provide a coordinating center for the collection and the
8 dissemination of useful data regarding the treatment and
9 control of juvenile offenders, and it shall also be the purpose
10 of the Institute to provide training for representatives of
11 Federal, State, and local law enforcement officers, juvenile
12 welfare workers, juvenile judges and judicial personnel,
13 probation personnel, correctional personnel, and other per-
14 sons, including lay personnel, connected with the treatment
15 and control of juvenile offenders.

16 **"§ 5042. Functions**

17 "The Institute is authorized—

18 "(a) to serve as an information bank by collecting
19 systematically the data obtained from studies and re-
20 search by public and private agencies on juvenile delin-
21 quency, including, but not limited to, programs for pre-

vention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders;

“(b) to publish data in forms useful to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

“(c) to disseminate pertinent data and studies to individuals, agencies, and organizations concerned with juveniles and juvenile offenders;

“(d) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with juveniles and juvenile offenders;

“(e) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for law enforcement officers, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, correctional personnel, and other persons, including lay personnel, connected with the treatment and control of juvenile offenders; and

“(f) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with juveniles and juvenile offenders.

1 “§ 5043. Director and staff

2 “(a) The Institute shall be under the supervision of an
3 officer to be known as the Director of the Institute who shall
4 be appointed by the President, by and with the advice and
5 consent of the Senate, to serve for a term of four years. The
6 Director of the Institute shall receive basic pay at the rate
7 provided for level V of the Executive Schedule under section
8 5316 of title 5, United States Code.

9 “(b) The Director shall have authority to supervise the
10 organization, employees, enrollees, financial affairs, and all
11 other operations of the Institute and may employ such
12 staff, faculty, and administrative personnel as are necessary
13 to the functioning of the Institute. The Director shall have
14 the power to acquire and hold real and personal property
15 for the Institute and may receive gifts, donations, and trusts
16 on behalf of the Institute. The Director shall also have the
17 power to appoint such technical or other advisory councils
18 comprised of consultants to guide and advise the Advisory
19 Commission. The Director is authorized to delegate his
20 powers under this Act to such persons as he deems appro-
21 priate.

22 “(c) If the Office of Director is left vacant, by resigna-
23 tion or otherwise, the President shall appoint a successor who
24 shall serve for the unexpired portion of the term of office.

1 **“§ 5044. Powers**

2 “The functions, powers, and duties specified in this Act
3 to be carried out by the Institute shall not be transferred
4 elsewhere or within any executive department unless spe-
5 cifically hereafter authorized by the Congress. In addition
6 to the other powers, express and implied, the Institute is
7 authorized—

8 “(a) to request any Federal department or agency
9 to supply such statistics, data, program reports, and
10 other material as the Institute deems necessary to carry
11 out its functions. Each such department or agency is
12 authorized to cooperate with the Institute and shall, to
13 the maximum extent practicable, consult with and fur-
14 nish information and advice to the Institute;

15 “(b) to arrange with and reimburse the heads of
16 Federal departments and agencies for the use of per-
17 sonnel or facilities or equipment of such departments
18 and agencies;

19 “(c) to confer with and avail itself of the coopera-
20 tion, services, records, and facilities of State, municipal,
21 or other public or private local agencies;

22 “(d) to enter into contracts with public or private
23 agencies, organizations, or individuals, for the partial
24 performance of any of the functions of the Institute;

“(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding \$75 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

“(f) to report to the Congress at appropriate intervals on programs which have been implemented with the cooperation of the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desirable.

“§ 5045. Advisory Commission

“(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

“(b) The Advisory Commission shall consist of the Director of the Institute, the Attorney General (or his designee), the Director of the United States Judicial Center (or his designee), the Director of the National Institute of Mental Health (or his designee), and fourteen persons having training and experience in the area of juvenile delinquency appointed by the President from the following categories:

- 1 “(1) law enforcement officers (two persons),
2 “(2) juvenile or family court judges (two persons),
3 “(3) probation personnel (two persons),
4 “(4) correctional personnel (two persons),
5 “(5) representatives of private organizations con-
6 cerned with juvenile delinquency (four persons), and
7 “(6) representatives of State agencies established
8 under the Juvenile Delinquency Prevention and Control
9 Act of 1968 or under title I of the Omnibus Crime Con-
10 trol and Safe Streets Act of 1968 (two persons).

11 “(c) Members of the Advisory Commission shall serve
12 for terms of four years and shall be eligible for reappoint-
13 ment, except that for the first composition of the Commis-
14 sion, one-third of the members shall be appointed to one-
15 year terms, one-third to two-year terms, and one-third
16 to three-year terms, thereafter each member's term shall
17 be for four years. Any member appointed to fill a vacancy
18 occurring prior to the expiration of the term for which
19 his predecessor was appointed, shall be appointed for the
20 remainder of such term. Any member of the Commission
21 may be removed by the President for inefficiency, neglect
22 of duty, or malfeasance in office.

23 “(d) While performing their duties, members of the
24 Commission shall be reimbursed under Government travel
25 regulations for their expenses, and members who are not

1 employed full time by the Federal Government shall receive
2 in addition a per diem of \$100 in lieu of subsistence, as au-
3 thorized by section 5703 of title 5, United States Code, for
4 persons in Government service employed intermittently.

5 “(e) The Director shall act as Chairman of the Advi-
6 sory Commission. The Commission shall establish its gov-
7 erning rules of procedure.

8 **“§ 5046. Location; facilities**

9 “(a) A suitable location for the Institute shall be selected
10 by the Advisory Commission.

11 “(b) Following the selection of a location for the Insti-
12 tute, the Director, with the approval of the Advisory Com-
13 mission, shall—

14 “(1) acquire such property as has been selected
15 pursuant to subsection (a), and

16 “(2) make such arrangements as may be necessary
17 or desirable for the construction, equipping, and physical
18 organization of the Institute.

19 **“§ 5047. Curriculum**

20 “The Advisory Commission shall design and supervise a
21 curriculum utilizing a multidisciplinary approach (to include
22 law enforcement, judicial, correctional and welfare as well
23 as probation disciplines) which shall be appropriate to the
24 needs of the Institute’s enrollees.

1 **“§ 5048. Enrollment**

2 “(a) Each candidate for admission to the Institute
3 shall apply to the State agency established under the Juvenile
4 Delinquency Prevention and Control Act of 1968 (82 Stat.
5 462; 42 U.S.C. 3801 et seq.), or the State agency estab-
6 lished under title 1 of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.),
8 in the candidate's State. The State agency or agencies shall
9 select an appropriate number of candidates and forward their
10 applications for admission to the Director of the Institute.
11 The Director shall prescribe the form of all applications for
12 admission to the Institute and shall make the final decision
13 concerning the admission of all students or enrollees.

14 “(b) While studying at the Institute and while travel-
15 ing in connection with his study, including authorized field
16 trips, each student or enrollee in the Institute shall be al-
17 lowed travel expenses and a per diem allowance in the
18 same manner as prescribed for persons employed intermit-
19 tently in the Government service under section 5703 (b) of
20 title 5, United States Code.”

21 SEC. 2. The table of contents to “PART IV—CORRECTION OF
22 YOUTHFUL OFFENDERS” of title 18, United States Code, is
23 amended by inserting after

"403. Juvenile delinquency----- 5031"

1 the following new chapter reference:

"404. Institute for Continuing Studies of Juvenile Justice----- 5041".

2 SEC. 3. There are authorized to be appropriated such
3 sums as may be necessary to carry out the provisions of
4 this Act.

LIST OF IDENTICAL MEASURES, AUTHORS AND COSPONSORS

91ST CONGRESS
1ST SESSION

H. R. 14950

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. RAILSBACK, Mr. MIKVA, Mr. BIESTER,
and Mr. WYATT

NOVEMBER 24, 1969

91ST CONGRESS
1ST SESSION

H. R. 15043

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. HELSTOSKI

DECEMBER 2, 1969

91ST CONGRESS
1ST SESSION

H. R. 15105

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. ST. ONGE

DECEMBER 4, 1969

91ST CONGRESS
1ST SESSION

H. R. 15124

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. RAILSBACK, Mr. ADDABBO, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. ANNUNZIO, Mr. AYRES, Mr. BIAGGI, Mr. BINGHAM, Mr. BOLAND, Mr. BROCK, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. BURTON of California, Mr. BUSH, Mr. BUTTON, Mr. BYRNES of Wisconsin, Mr. CAHILL, Mr. CEDERBERG, Mr. CLAY, Mr. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. CORBETT, Mr. CORMAN, and Mr. COWGER

DECEMBER 8, 1969

91ST CONGRESS
1ST SESSION

H. R. 15125

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. MIKVA, Mr. CUNNINGHAM, Mr. DADDARIO, Mr. DEILENBAOK, Mr. EDWARDS of California, Mr. ERLBORN, Mr. ESCH, Mr. FINDLEY, Mr. FISH, Mr. FRELINGHUYSEN, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. HALPERN, Mr. HANNA, Mr. HECHLER of West Virginia, Mrs. HEOKLER of Massachusetts, Mr. HELSTOSKI, Mr. HOWARD, Mr. HUNGATE, Mr. JACOBS, Mr. KLEPPE, Mr. KUYKENDALL, Mr. LOWENSTEIN, Mr. McCLOSKEY, and Mr. McDADE

DECEMBER 8, 1969

91ST CONGRESS
1ST SESSION

H. R. 15126

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. BIESTER, Mr. McDONALD of Michigan, Mr. McKNEALLY, Mr. MACGREGOR, Mr. MADDEN, Mr. MANN, Mr. MATSUNAGA, Mr. MESKILL, Mr. MICHEL, Mr. MOSHER, Mr. MOSS, Mr. MYERS, Mr. OTTINGER, Mr. PELLY, Mr. PETTIS, Mr. PODELL, Mr. PRICE of Illinois, Mr. QUIE, Mr. REES, Mr. RIEGLE, Mr. RODINO, Mr. ROTH, Mr. RUPPE, Mr. RUTH, and Mr. ST. ONGE

DECEMBER 8, 1969

91ST CONGRESS
1ST SESSION

H. R. 15127

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. SANDMAN, Mr. SCHEUER, Mr. SCHNEEBELI, Mr. SMITH of New York, Mr. STEIGER of Wisconsin, Mr. STOKES, Mr. SYMINGTON, Mr. TAFT, Mr. THOMPSON of Georgia, Mr. TIERNAN, Mr. WIGGINS, Mr. CHARLES H. WILSON, Mr. WYATT, and Mr. MURPHY of Illinois

DECEMBER 8, 1969

91ST CONGRESS
1ST SESSION

H. R. 15154

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. GIBBONS

DECEMBER 9, 1969

91ST CONGRESS
1ST SESSION

H. R. 15210

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. DENT

DECEMBER 11, 1969

91ST CONGRESS
2D SESSION

H. R. 15556

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. MIKVA, Mr. BRADEMAS, Mr. HARRINGTON, Mr. WRIGHT, and Mr. YATES

JANUARY 27, 1970

91ST CONGRESS
2D SESSION

H. R. 15738

A BILL

To amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

By Mr. VANDER JAGT

FEBRUARY 5, 1970

Mr. KASTENMEIER. The Chair observes that few problems of our complex urbanized society demand attention more urgently than do our policies and practices in the area of juvenile justice. It is most fitting that we give careful attention to the subject legislation.

The subcommittee is honored this morning to have for its very first witness the distinguished senior Senator from Illinois, the Honorable Charles H. Percy, who has been interested in the subject, and has introduced the legislation in the other body as S. 3175.

Senator Percy, you are most welcome to the committee.

STATEMENT OF HON. CHARLES H. PERCY, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator PERCY. Mr. Chairman and members of the committee, I am pleased to testify today on H.R. 14950 and S. 3175, a companion bill which I have introduced in the Senate, to create an Institute for Continuing Studies of Juvenile Justice.

I intend to speak briefly and then leave a more detailed explanation of this legislation to its architect, Congressman Railsback, who is the chief House sponsor of the legislation.

But I would also like very much to commend two other Congressmen, both members of your subcommittee, who have been extremely helpful in supporting this legislation and in helping us carry it forth to its present stage. Congressman Biester has taken a great interest in it as has Congressman Mikva, of Illinois. We are grateful for their interest, their support, and their continuing contribution to this legislation.

I testify this morning in the wake of a tragic weekend in Chicago and on the very day that the Senate will undoubtedly, I think, confirm the action of the House on the conference report of the District of Columbia crime bill. I have just returned from Chicago where I attended the funeral services of patrol officer, Sergeant Severin. I went with the family of Patrolman Rizzato. For 1 day I was privileged to live within the family circle of these two families, both of whom lost the heads of their family in this tragic shooting that we had in a public housing complex.

On Friday, these two men were struck down from behind by snipers who shot at them from an empty apartment. The two men had engaged in the walk and talk program. They had reached out to try to bridge the gap that exists between the community and law enforcement officials. They had volunteered for this work. Of some 40 men in the force three have now been killed.

The Chicago police have reaffirmed their intention to keep this program going. No men have dropped out of the program. But they recognize the risks that they run.

After I attended that funeral, I went down to see Carol Yamada, a young girl who, a few days before, had had her throat slit and her companion murdered in the Palmer House in Chicago. I spent some time with her family and had a long conversation with her, one of the first conversations she has had since she recovered her voice.

In these cases, and in countless other cases in Chicago, juveniles have been involved. Not juveniles committing crime for the first time, but juveniles committing crime time after time after time. They have become hardened criminals at the age of 18, 19, and 20.

And it is for this reason that before Congressman Mikva came in I commended the Congressman from Illinois for his leadership in this field.

I have also enjoyed working together with Congressman Railsback. We came in the Congress together. I have been privileged to work with him on a number of items and his leadership in this field demonstrates his understanding of the nature of crime as it now exists in America, particularly in our urban areas.

I feel that we have in this legislation a relatively low-cost answer to finding the fundamental causes that underlie crime in America.

The problem of crime committed by young people is one of the most serious confronting our Nation today. It is a multifaceted problem with myriad and deep roots. It not only involves millions of youngsters—the neglected, disturbed, delinquent—but every American citizen. Until we learn how to deal with young people who have been unable or willing to adjust or conform to the demands of society, we will not make measurable progress toward conquering our national crime problem. It is tragic indeed that for most of these young people juvenile crime marks only the beginning of a life at odds with the law.

FBI statistics point up the magnitude of crime in this country in the decade of the 1960's.

In 1968, there was one murder every 39 minutes; one forcible rape every 17 minutes; one robbery every 2 minutes; and one aggravated assault every 2 minutes.

Between 1960 and 1969, the number of criminal offenses in the United States rose by 122 percent. This is particularly shocking in light of the fact that our population has increased by only 11 percent.

Even more tragic are the statistics which show crime among our young people.

There was a 78-percent increase in the number of juvenile arrests from 1960 to 1968, while the number of individuals in this age group—10 to 17—increased by only 25 percent.

Nearly 50 percent of those arrested for criminal offenses in 1968 were under the age of 18. And 72 percent of 18,333 offenders under the age of 20 who were released in 1963 were rearrested within the next 5 years. It is sad indeed to realize that a juvenile offender's first brush with the law more often than not represents only the beginning of a life at odds with society and law.

My own experience in seeing what we can do to deal with young people goes back over a period of some 25 years. I have been a trustee of the Chicago Boys Clubs; I have been the industrial advisor for many years to the seven-step program that was started by Bill Sands, a former convict who has written some remarkable books, and who has carried on some remarkable programs and has worked with wardens of prisons throughout the country in trying to find remedial work for young people that can wean them away from the kind of life that they have gotten into.

Something is obviously wrong when nearly three-fourths of the youths who are arrested and brought into contact with our juvenile court system are rearrested. We are certainly not solving our youth crime problem.

The program in Lansing of corrective work prior to release and releasing inmates only on a gradual basis to a freedom house has

drastically reduced recidivism. Those who were outside of the program, about 80 percent of those who left that institution, returned within 5 years. Of those who had the program, 85 percent did not return; only 15 percent returned. So that before introducing this legislation, I have had years now of watching the result of a modest investment of time, energy and effort and patience in the corrective work that is necessary. The idea of penal institutions just being places to throw people into to keep them away from society, though it may be in the short run the least expensive way to do it, in the long run it costs a thousandfold more for the tragedy that is inflicted upon society when we don't use that time to work with these people.

Juvenile delinquency, however, is not a new social problem. What is new—what is encouraging—is a heightened public interest in this problem and the strong emphasis on attempting to save many young people from a life of crime.

The Joint Commission on Correctional Manpower and Training pointed out two problems present in attempting to deal with any aspect of the crime problem.

First, correction today is characterized by an overlapping of jurisdictions, a diversity of philosophies, and a hodge podge of organizational structures which have little contact with one another.

Second, lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, executives mandate policies, and both cause large sums of money to be spent on ineffective corrective methods.

The findings of the Commission indicate that what we need if we are to achieve more timely results is a single body—an independent agency—to coordinate activities in the field of juvenile delinquency and better equip those who work with young people to deal with those who have run afoul of the law. No matter how modest our success with the skyrocketing crime rate, it would be well worth the cost and effort.

On November 24, 1969, I introduced S. 3175 in the Senate along with Senator Scott, our minority leader. Congressmen Tom Railsback, Biester, and Mikva introduced it in the House and were the principal architects.

This legislation would amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. The main purpose of the Institute would be to serve as a coordinating center for the collection and dissemination of information in the field of juvenile delinquency and control, and as a training center for representatives of all levels of government who are connected with the treatment and control of juvenile offenders.

The Institute would be authorized to serve as an information bank for the systematic collection of data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for the prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders. Such data also would be published and disseminated by the Institute's staff.

This Institute would be under the supervision of a director appointed by the President, with the advice and consent of the Senate, who would supervise the staff, faculty, and administrative personnel necessary to the Institute's functions.

Overall supervision of the Institute would be left to an Advisory Commission, consisting of the Attorney General, the Secretary of Health, Education, and Welfare, the Director of the U.S. Judicial Center, the Director of the National Institute of Mental Health, and 14 other members having training and experience in the area of juvenile delinquency.

I believe that the multidisciplinary approach—correctional, judicial, law enforcement, and welfare—the Institute for Continuing Studies of Juvenile Justice would provide is the most appropriate and effective means to combat an increasingly serious problem of youth crime.

We have already accumulated vast amounts of knowledge concerning juvenile offenders and the offenses they commit, but we simply have not put this information to the best use. It must be supplied to all those concerned with the problem of juvenile delinquency. Furthermore, we must assist in the training of individuals to cope with juvenile offenders.

This bill provides no panacea to a very complex problem. However, the Institute would most effectively use resources to combat and control juvenile crime and redirect delinquent elements in the younger generation into purposeful and constructive lives. This is most important for our society as a whole. As the President's Commission on Law Enforcement and the Administration of Justice stated in 1967:

America's best hope for reducing crime is to reduce juvenile delinquency and youth crime.

Finally in conclusion, Mr. Chairman, I have constantly searched my own soul to find what I can do as an individual to help in this problem, and finally decided that one of the great needs is for the law enforcement officials in the State of Illinois to exchange ideas. They don't get together enough; they don't cross-fertilize each other enough. Certainly the problems of delinquency that exist in Chicago are very common to the problems of delinquency in east St. Louis. Gangs are not as well organized there as in Chicago. The Mafia would take second place, I think, to some of our youth gangs in Chicago and I don't think the Mafia is as well armed.

But certainly we need to have our law enforcement people cross-fertilize each other and exchange ideas. This has been the great secret of American private enterprise.

Many times U.S. businessmen go to Europe. We go over there and Europeans expect us to sit and tell them how we do it in the United States. I tell them:

There is only one secret that I have ever learned: We are not afraid to exchange ideas. I am not going to tell you how to run your business here in Italy, Japan, or Germany, whatever the country, all I can do is get 40 of you together and cause you to exchange ideas. Because there isn't a problem that exists in any one of your plants that someone else in your country hasn't had.

And that same thing is true with law enforcement people. In the area of juvenile delinquency we need to put together a body of knowledge that can be spread among the other people. We have found the answer to most problems someplace, we just need to get that answer to other places.

So on August 12 I am inviting every law enforcement official in Illinois, every police chief, every sheriff, to come down to Washington for a day-long session. The Attorney General has agreed to open it.

Justice Tamm of the Appellate Court will speak, as a former deputy head of the FBI with 18 years service. Chief of Police Wilson will give an address; and some of my colleagues will talk to them. I found we just had to create this exchange ourselves. It didn't exist as such.

But I think that this kind of institute we are talking about today could provide a continuing forum for that kind of work, not just dealing with one State but dealing with the entire country. Only through knowledge will we understand how to handle this problem of crime. Knowledge is power, and that is what we really need, not repressive measures, not undue force, but by sharing knowledge we will finally get to the heart of what makes a young person turn into a hardened criminal and how we can reverse that trend and get that life back to a constructive life. And it is to that that I think this legislation is dedicated.

Once again, I commend my colleagues in the House who have truly provided the leadership. When we have this kind of leadership, we are very happy to follow in the other body. I hope we will come forward and do as good a job over on the other side.

Mr. KASTENMEIER. Thank you, Senator Percy, for a most eloquent and helpful statement.

I found particularly relevant the account of the Chicago tragedies in connection with what the problem is, and possibly what this bill might help correct in the future.

I have no questions to ask of you, other than I think the question whether or not existing agencies of the Federal Government could handle what the Institute proposes to do without creating such an institute?

Senator PERCY. I do not believe so, Mr. Chairman.

Mr. KASTENMEIER. Do you see it as sort of a separate Federal agency, separate from all others, such as the Department of Justice and other agencies of the Federal Government?

Senator PERCY. I think we have to go back in our own direct experience to whether or not, for instance, a separate agency was necessary to deal with the cities. I was skeptical when the original concept for HUD came along. I didn't see why we needed that new agency: Didn't every department of Government deal with the cities? And I was convinced for a while that it wasn't needed.

I serve on the Banking and Currency Committee, and I work with HUD. We have an oversight responsibility there. And I don't know how we operated before. It was necessary. The cities create such a problem that someone has to really concentrate full time on them. And when over 50 percent of our crime involves juvenile delinquency, then I think we have got to have a full-time institute to do nothing but deal with that problem in a specialized way. And it is for this reason that we have proposed it in this fashion.

I would like to defer to Congressman Railsback on that, if you don't mind, to have his insight, because really the inspiration came from him.

Mr. KASTENMEIER. As a matter of fact, we would be happy to have your comments, Mr. Railsback, although we do have questions for you along this line following your own testimony.

Mr. RAILSBACK. I am, Mr. Chairman, going to deal with this at some length, and maybe it would be better if I could hold off.

Mr. KASTENMEIER. I yield to my colleague from Illinois, Mr. Mikva, cosponsor of the bill.

Mr. MIKVA. I want to commend and express my admiration to my distinguished senior Senator, not only for his work in this field but for his compassion generally. I couldn't help but think about your experiences with the families of the victims of these recent tragedies in Chicago, how apropos the subject is, because as I recall three of the four boys that were charged with the killings of these two policemen have been before our juvenile court and in the juvenile machinery. And I started to think of all of the tragedies that have befallen this Nation recently, how many of them again were caused by people who, somewhere along the line, were brought before the juvenile authorities and were exposed to juvenile justice—the assassination of President Kennedy, the assassination of Dr. King. In both instances the perpetrators were people who had at one time or another been in trouble with the juvenile authorities.

And it is almost as if we could really open up the institutions for all the good they are doing. It just seems to be totally counterproductive of making society more stable.

I just want to again express my admiration for your efforts in this and urge you to stay with it.

There have been other proposals as to how to solve this problem. I am afraid you are going to have to vote on one of them this afternoon. And as far as I am concerned, that approach will neither make us secure nor will it solve the problem.

I thank you for your help in this and hope you can persuade the other body to be as concerned about it as they ought to be.

Senator PERCY. I promise never to use those thoughtful words against you in a campaign in Illinois. I express equal admiration for your work.

I just wish I could have tape recorded the conversation I had with the brother of one of the young men who was killed. He is also a patrolman. He was with his brother when he was shot. And his experience with the young people—I think when we send them to penal institutions, they couldn't be sent to finer institutions to develop hardened criminals than our present institutions do.

And I have read with great interest the volume put out by Howard James—I wrote the foreword—the Bureau chief of the Christian Science Monitor in Chicago, who did a remarkable series of articles on our so-called reform schools in this country. I would commend it. I am sure the members of the committee have read it, but I would recommend it to anyone who wants to get a real insight of our juvenile institutions in this country. I would be happy to send a copy to anyone who would like this volume.

I think we just need to start all over again.

Mr. KASTENMEIER. The gentleman from California, Mr. Edwards.

Mr. EDWARDS. I have no questions. I thank the Senator very much, and we welcome you to the Judiciary Committee.

Senator PERCY. Thank you.

Mr. KASTENMEIER. The gentleman from Pennsylvania, Mr. Biester.

Mr. BIESTER. I would simply express my appreciation for the Senator's kind words about my own effort here and thank him for his work in the other body.

The youth gang problem that you referred to in Chicago, of course, we have in Philadelphia to a very considerable degree. And I am not certain of the figure, but I believe that by this time over 27 young

people have killed each other in the course of gang warfare in the city of Philadelphia, and, of course, innocent victims are also killed in the process, some as young as 8 and 9 years old.

Senator PERCY. Somehow we are going to have to get at the bottom of the problem of the hatred that exists between law enforcement officials and the black community. A black woman has three and a half times better chance of being raped than a white woman; a black man has five and a half times better chance of being assaulted in an armed robbery than a white man. These facts somehow have to be gotten across.

I think we have made progress in Chicago in the understanding and education of our law enforcement officials. We have a long way to go. But I think we are now on the road to finding a better way to communicate. But it is a long road and the time is very short, because I am deeply concerned about the possibility of repressive measures just getting out of hand.

There are many aspects of this crime bill that I deeply regret and I am fearful of, and we are going to have to take conceivable precautions to protect society against it because it will be passed today. But the pendulum maybe has swung too far one way; I hope it will not swing too far the other way.

I would like very much, Mr. Chairman, to stay for my colleague's testimony, but I just received a note that I am due over in a committee hearing in the Senate.

Mr. KASTENMEIER. The committee understands.

Senator PERCY. Thank you, Mr. Chairman.

Mr. KASTENMEIER. The Chair will call on our colleague, the principal sponsor, along with his colleagues Mr. Mikva and Mr. Biester, of this legislation, whose advocacy of the legislation is well known to the chairman through many conversations that I have had with him.

We are very pleased to have our colleague from the Judiciary Committee, Tom Railsback from Illinois.

STATEMENT OF HON. THOMAS F. RAILSBACK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. RAILSBACK. Mr. Chairman and members of the committee, I want to begin by thanking the chairman for his willingness to afford us hearings and I am, as he knows, very, very grateful.

I want to also say at the outset that Senator Percy talked about an architect, and actually three of us really worked on this from the beginning and had many, many meetings, and I think that this is strictly a joint effort. Congressman Biester and Congressman Mikva have been of tremendous assistance.

And also I want to say that, and this is not part of my prepared statement, it seems to me that we members of the Judiciary Committee are maybe well advised to be concerned about the causes of crime and how we might be able to prevent crime, rather than concentrating solely, which I think we have in the past, on the punitive aspects and the deterrent aspects without really trying to understand what has caused crime, what has caused recidivism.

And I would say if there is one major goal of this legislation, it is to do something about juvenile recidivism which is really one of the major problems.

What I would like to do, Mr. Chairman, if I might, this statement is far too long for me to read. I would like to read part of it, and I wonder if it can be placed in the record with all of the inserts that I have with it.

Mr. KASTENMEIER. Without objection, your statement, together with the material attached to it, will be made part of the record.

(The statement follows:)

(Submissions made by Mr. Railsback are in the committee files.)

STATEMENT OF HON. TOM RAILSBACK, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF ILLINOIS

Mr. Chairman and distinguished members of the Subcommittee, I am very happy indeed to be able to appear before you and your Subcommittee today. I am confident that you would yield to no one in your deep concern for the problem of juvenile crime in our nation, and I want to express my appreciation to you for holding this public hearing on the subject of juvenile crime and a legislative proposal, of which I am a sponsor, which would authorize a Federal program of training and equipping persons at the State and local level to be more effective in their efforts to combat and control juvenile crime.

The nature and extent of juvenile crime is a subject area which has received considerable study in recent years. Our society has witnessed the great magnitude of problem which is revealed in the estimate that in the inner-city, 70 percent of the young people find themselves in trouble with the law before their 19th birthday. This observation was contained in the *Task Force Report: Juvenile Delinquency and Youth Crime*, by the President's Commission on Law Enforcement and Administration of Justice. The lengthy report was published by the U.S. Government Printing Office in 1967 (see page 362).

A study by the Justice Department has revealed that the astounding total of 72 percent of youths once arrested were rearrested within five years. See *Crime in the United States—Uniform Crime Reports—1968*, released August 13, 1969 (see page 35 et seq.). This bears repeating: almost three-fourths of the youths once arrested and supposedly within the reach of our juvenile system were rearrested.

During the period from 1960 to 1968, the number of arrests of juveniles for serious crimes increased by 78 percent. As tragic and disheartening as this may seem, it should strike at the hearts of all of us that this represents only the beginning of a career in crime. With a three-quarters repeater rate, we just are not stopping careers in crime.

Mr. Chairman, almost one-half of those arrested in 1968 for criminal offenses were under the age of 18. In other words, what we are talking about when we mention juvenile crime, is, simply put, one-half of the crime problem.

It is the purpose of the legislation before your committee and of the sponsors of that legislation, to make a direct attack on juvenile crime. We have designed our bill to provide a new approach to attacking the root causes of recidivism so far as juvenile offenders are concerned. Our bill is intended to provide not just talk, but some very definite action.

We propose the creation of the Institute for Continuing Studies of Juvenile Justice. As it is envisioned, the Institute will provide a two-pronged attack on juvenile crime. The Institute would provide expert education and training for persons working to combat juvenile delinquency at the State and local level. The training operation would be patterned after the very respected and successful FBI Academy, and would offer training by experts for local law enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders. A second purpose of the Institute is to establish a data bank for operation of a clearinghouse for the valuable information on juvenile delinquency presently existing but not in any one convenient or central location. Information would be put into useful forms and disseminated to the State and local people who can put it to work in their everyday dealings with the juveniles.

The problem of juvenile delinquency is primarily a local one. However, to the extent that there are 50 States and countless local communities which are presently approaching the problem in different ways, we believe that some guidance and assistance should be available on a coordinated basis to these State and local governments. Admittedly, some States have done more than others

in the area of juvenile delinquency prevention and control. With the permission of the Committee, I have a compilation of pertinent State statutory provisions which was prepared by the Library of Congress and which can be inserted in the hearing record for the benefit of the Committee.

To demonstrate the varying laws among the States with respect to juveniles, 24 States expressly deny the right to a jury trial in juvenile proceedings. In 14 other States, the statutes make no reference to jury trials in juvenile proceedings. In the dozen other States, a jury trial is guaranteed.

Not only do one-half of the States deny jury trials, even more States do not have full-time specialized juvenile judges or courts. Only five States were found to have a complete system of juvenile courts. Some 16 other States had partial systems involving specialized courts in some counties or cities. In 28 States, judges on regular circuit courts were assigned on occasions to handle juvenile cases. In only 31 States was there a guarantee of a right to counsel in express terms. In short, with one-half of serious crime perpetrated by juveniles, we have a long way to go in simply providing the law and court structure to effectively handle these offenders.

There is a need to upgrade our systems in the field of corrections as well. The Joint Commission on Correctional Manpower and Training pointed out recently two problems present in attempting to deal with any aspect of the crime problem: "(1) Correction today is characterized by an overlapping of jurisdictions, a diversity of philosophies, and a hodge-podge of organizational structure which have little contact with one another; and (2) Lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, executives mandate policies, and both cause large sums of money to be spent on ineffective corrective methods."

The findings of the Commission indicate that what we need if we are to achieve more timely results is a model or leader to coordinate activities in the field. I believe that the proposed Institute is ideally designed to fulfill that need.

The National Council on Crime and Delinquency has recommended "increased professional training, and additional training programs to upgrade the skills of those already in the field." The President's Task Force on Juvenile Delinquency said simply: "Personnel training is an obvious need. The kind of leadership needed at the Federal level requires a better integration of the various disparate Federal programs than is found at present."

And the need for such an institution as we have proposed is recognized by juvenile authorities throughout the world. Even in the police states of the Communist-controlled countries of Czechoslovakia, Hungary and Yugoslavia, the oppressive governments recognize the problem and all require that their judges and police receive special training in child handling.

My purpose in discussing the impact of change upon our juvenile systems is not to complain, but to demonstrate the need to have a coordinating and unifying force applied as a beneficial redirection to the separate and presently uncoordinated efforts of the States and localities. We seek not to substitute Federal involvement, but to add it, on a voluntary basis to supplement current efforts at the local levels.

We have in the various uncoordinated efforts by several levels of government and private institutions, accumulated vast amounts of knowledge concerning juvenile offenders and the offenses they commit, but we can always use more and better quality information, and we simply have not put the available information to the best use. It must be supplied to all those concerned with the problem of juvenile delinquency. And furthermore, we must assist in the training of individuals to cope with juvenile offenders. After consultations with experts, both within and without the government service, we are convinced that a multi-disciplinary approach is needed in training persons to effectively deal with juvenile offenders. In other words, what is needed is a combination training effort including the viewpoints, expertise, and disciplines of the law officer, the judge, the correctional, probational, parole and welfare personnel, as well as other involved persons.

In drafting this legislation, we took note of perhaps the most successful and respected training effort ever undertaken in the field of crime. The Federal Bureau of Investigation has operated a National Academy and has provided training not just to its own agents, but to persons at all levels of law enforcement. In fiscal 1969, training was afforded by the FBI to 233,741 municipal, county and State law enforcement officers who attended 7,804 schools. Of the over 5,000 graduates of the formal FBI training Academy, 27 or 28 percent are now the heads of their agencies. We think this is a fine example to follow, and by applying a similar approach to training State and local personnel in the field of juvenile

delinquency, we hope for very real benefit at a reasonable, if not comparably inexpensive cost. Furthermore, we expect that a "snowball" effect can be achieved by having those who receive training at the Institute, return to their localities and set up local training efforts. To quote from the FBI pamphlet entitled "The Story of the FBI National Academy":

"Is it feasible to send all law enforcement officers to take a 12 week training course in Washington? Certainly not. Then how can the majority best be reached? The obvious answer is to qualify every graduate as an instructor or administrator. Teach him the latest methods . . . but prepare such a course that when the graduate returns to his local agency, he is not only versed in the methods of teaching but is also prepared to organize and set up . . . schools. Thus his National Academy training is made available to his co-workers."

If it pleases the Committee, I have the FBI pamphlet and a publication entitled "FBI Training Programs" which can be included in the hearing record.

I have with me a copy of a report on Federal legislation regarding juvenile delinquency which was prepared by the Legislative Reference Service. I think it would be helpful to the Committee to have the report included in the hearing record. The report, entitled "Federal Legislation Relating to the Problem of Juvenile Delinquency", is dated November 14, 1969. It summarizes the six major laws which have been enacted by Congress and which deal with juvenile delinquency. A review of these laws might indicate the desirability of an Institute such as we propose, to encompass several different disciplines.

With the list of present Federal efforts in mind, I want to reassure the Committee that it is by no means the intention of our proposed legislation to take the place of these existing Federal efforts. We feel strongly, however, that some coordination will be beneficial to each of the present efforts. To repeat our intention, we hope to supplement and assist present efforts at all levels, Federal, State and local. We anticipate that the process of information collection, evaluation and dissemination will be of direct, tangible assistance to each of the present efforts, and we are confident that the program of providing short term training will help to strengthen and professionalize the ranks of those out in the local areas working to combat and control juvenile delinquency. And we feel that our proposal is a very practical approach which will provide results at relatively low cost.

We were heartened, Mr. Chairman, by the testimonial which this legislation received from Frank A. Orlando, Presiding Judge, Broward County Juvenile Court, Fort Lauderdale, Florida, as part of his overall testimony before another committee of Congress. Judge Orlando, who has served as an advisor to the Department of Health, Education, and Welfare on juvenile matters, had the following remarks to make about the legislation:

"It is my opinion that this legislation would create the vehicle by which we could provide, at a national level, the necessary training of professionals who then could return to their States and fulfill their responsibilities of updating the training and performance of the professionals in the area of juvenile delinquency prevention, control, and treatment. We do not have one single agency at a national level which has as its sole responsibility juvenile delinquency prevention, control and treatment. The Office of Juvenile Delinquency and Youth Development is primarily a funding agency and does not have the authority or the ability at this time to fulfill the functions which are encompassed in Congressman Railsback's bill. There is a distinct possibility that if a national institute was created and made an independent Federal agency, the juvenile delinquency responsibilities now being fulfilled by HEW and the Department of Justice could both be transferred to this agency so we would have a comprehensive Federal agency dealing with the funding of State programs, one which engaged in the continuing efforts to determine the causes of juvenile delinquency and developed methods to treat juvenile delinquency, and which had the resources to offer training programs for the professionals in the field."

We have received favorable comments from State officials and from local police officials, as well as Juvenile Court Judges. With the permission of the Committee these letters can be included in the hearing record following my testimony. We have also received letters of support from many private citizens.

Mr. Chairman, I believe there would be broad support for the mission which we propose to be undertaken by the Institute. I would expect no significant opposition from the State or local levels—they are the ones we seek to help.

I frankly anticipate that at the Federal level there may be suggestions for structuring the Institute within an existing Department, such as the Department of Health, Education, and Welfare. Possibly it will be suggested that it be housed within the Justice Department. The suggestion might also be offered that some

existing governmental effort might be simply expanded to assume the responsibilities of the proposed Institute. I think that these points, if they are offered, go not to the purposes of the legislation, but to the form and administration of the Institute. But the sponsors of the legislation feel it has been drafted so as to guarantee the setting of policy and operation of the Institute on a broad-based, representative nature. We sought to place the Institute on neutral ground and to insist on appropriate cooperation by all Government Departments and Agencies. I would hope that the Committee will take a close look at whatever suggestions are offered so it can make its own expert judgment as to where the Institute would best be located within the Governmental structure.

In conclusion, Mr. Chairman, this legislation has been sponsored by nearly 100 Members of Congress. We are aware that the crime clock for 1968 reveals that there was one forcible rape every 17 minutes; one murder every 39 minutes; one robbery every 2 minutes; one aggravated assault every 2 minutes; one auto theft every 41 seconds; and one burglary every 17 seconds. In fact, there was an average of one violent crime every 54 seconds.

The many sponsors of this legislation know that nearly one-half of offenders arrested in 1967 and 1968 had been imprisoned on a prior charge, and that 39 percent of those arrested in either 1967 or 1968 for a crime index offense had been previously charged with one or more serious crimes. We cannot forget that almost three-fourths of the juveniles arrested will likely be arrested again within five years. We also remember that nearly one-half of those arrested for serious crimes are juveniles, and we are determined to take action to reduce these tragic realities.

Our legislation is not just another study effort. We plan a two-pronged attack by first, disseminating information and expertise in the field of juvenile delinquency treatment control, and second, by training people at the state and local levels in the newest and most effective methods of treatment and control of juvenile offenders. As the President's Commission stated in 1967:

"America's best hope for reducing crime is to reduce juvenile delinquency and youth crime."

That is our goal.

Mr. KASTENMEIER. You may proceed as you wish.

Mr. RAILSBACK. The nature and extent of juvenile crime is a subject area which has received considerable study in recent years. Our society has witnessed the great magnitude of problem which is revealed in the estimate that in the inner city, 70 percent of the young people find themselves in trouble with the law before their 19th birthday. This observation was contained in the task force report: Juvenile Delinquency and Youth Crime, by the Presidents Commission on Law Enforcement and Administration of Justice.

Mr. KASTENMEIER. May the Chair interrupt only to inquire as to the attachments. If the attachments are lengthy, perhaps the committee will reserve judgement on what to publish.

Mr. RAILSBACK. Yes, sir; some of them are lengthy.

Mr. KASTENMEIER. Proceed.

Mr. RAILSBACK. The lengthy report was published by the U.S. Government Printing Office in 1967.

A study by the Justice Department has revealed that the astounding total of 72 percent of youths once arrested were rearrested within 5 years. This bears repeating: Almost three-fourths of the youths once arrested and supposedly within the reach of our juvenile system were rearrested.

During the period 1960-68, the number of arrests of juveniles for serious crimes increased by 78 percent. As tragic and disheartening as this may seem, it should strike at the hearts of all of us that this represents only the beginning of a career in crime. With a three-quarters repeater rate, we just are not stopping careers in crime.

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about when we mention juvenile crime, is, simply put, half of the crime problem.

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The problem of juvenile delinquency is primarily a local one. However, to the extent that there are 50 States and countless local communities which are presently approaching the problem in different ways, we believe that some guidance and assistance should be available on a coordinated basis to these State and local governments. Admittedly, some States have done more than others in the area of juvenile delinquency prevention and control. With the permission of the committee, I have a compilation of pertinent State statutory provisions which was prepared by the Library of Congress and which can be inserted in the hearing record for the benefit of the committee.

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Not only do half of the States deny jury trials, even more States do not have full-time specialized juvenile judges or courts. Only five States were found to have a complete system of juvenile courts. Some 16 other States had partial systems involving specialized courts in some counties or cities. In 28 States, judges on regular circuit courts were assigned on occasions to handle juvenile cases. In only 31 States was there a guarantee of a right to counsel in express terms. In short, with half of serious crimes perpetrated by juveniles, we have a long way to go in simply providing the law and court structure to effectively handle these offenders.

There is a need to upgrade our systems in the field of corrections as well. The Joint Commission on Correctional Manpower and Training pointed out recently two problems present in the attempting to deal with any aspect of the crime problem:

(1) Correction today is characterized by an overlapping of jurisdictions, a diversity of philosophies, and a hodgepodge of organizational structure which

have little contact with one another; and (2) lacking consistent guidelines and the means to test program effectiveness, legislators continue to pass laws, executives mandate policies, and both cause large sums of money to be spent on ineffective corrective methods.

The findings of the Commission indicate that what we need if we are to achieve more timely results is a model or leader to coordinate activities in the field. I believe that the proposed institute is ideally designed to fulfill that need.

The National Council on Crime and Delinquency has recommended "increased professional training, and additional training programs to upgrade the skills of those already in the field." The President's Task Force on Juvenile Delinquency said simply:

Personnel training is an obvious need. The kind of leadership needed at the Federal level requires a better integration of the various disparate Federal programs than is found at present.

And the need for such an institution as we have proposed is recognized by juvenile authorities throughout the world. Even in the police states of the Communist-controlled countries of Czechoslovakia, Hungary, and Yugoslavia, the oppressive governments recognize the problem and all require that their judges and police receive special training in child handling.

My purpose in discussing the impact of change upon our juvenile systems is not to complain, but to demonstrate the need to have a coordinating and unifying force applied as a beneficial redirection to the separate and presently uncoordinated efforts of the States and localities. We seek not to substitute Federal involvement, but to add it, on a voluntary basis to supplement current efforts at the local levels.

We have, in the various uncoordinated efforts by several levels of government and private institutions, accumulated vast amounts of knowledge concerning juvenile offenders and the offenses they commit, but we can always use more and better quality information, and we simply have not put the available information to the best use. It must be supplied to all those concerned with the problem of juvenile delinquency. And, furthermore, we must assist in the training of individuals to cope with juvenile offenders. After consultations with experts, both within and without the Government service, we are convinced that a multidisciplinary approach is needed in training persons to effectively deal with juvenile offenders. In other words, what is needed is a combination training effort including the viewpoints, expertise, and disciplines of the law officer, the judge, the correctional, probational, parole, and welfare personnel, as well as other involved persons.

In drafting this legislation, we took note of perhaps the most successful and respected training effort ever undertaken in the field of crime. The Federal Bureau of Investigation has operated a National Academy and has provided training not just to its own agents, but to persons at all levels of law enforcement. In fiscal year 1969, training was afforded by the FBI to 233,741 municipal, county, and State law enforcement officers who attended 7,804 schools. Of the over 5,000 graduates of the formal FBI Training Academy, 27 or 28 percent are now the heads of their agencies. We think this is a fine example to follow, and by applying a similar approach to training State and

local personnel in the field of juvenile delinquency, we hope for very real benefit at a reasonable, if not comparably inexpensive cost. Furthermore, we expect that a "snowball" effect can be achieved by having those who receive training at the Institute, return to their localities and set up local training efforts. To quote from the FBI pamphlet entitled "The Story of the FBI National Academy":

Is it feasible to send all law enforcement officers to take a 12-week training course in Washington? Certainly not. Then how can the majority best be reached? The obvious answer is to qualify every graduate as an instructor or administrator. Teach him the latest methods—but prepare such a course that when the graduate returns to his local agency, he is not only versed in the methods of teaching but is also prepared to organize and set up schools. Thus his National Academy training is made available to his coworkers.

If it pleases the committee, I have the FBI pamphlet and a publication entitled, "FBI Training Programs," which can be included in the hearing record. I think it may be pertinent to the chairman's question.

I have with me a copy of a report on Federal legislation regarding juvenile delinquency which was prepared by the Legislative Reference Service. I think it would be helpful to the committee to have the report included in the hearing record. The report, entitled "Federal Legislation Relating to the Problem of Juvenile Delinquency," is dated November 14, 1969. It summarizes the six major laws which have been enacted by Congress and which deal with juvenile delinquency. A review of these laws might indicate the desirability of an institute such as we propose, to encompass several different disciplines.

Mr. Chairman, I would just like to comment on your question. I have, and I am sure you have too, carefully studied the so-called Omnibus Safe Streets Act which contains, among other things, a National Institute for Law Enforcement. This is primarily related to serving a research function and, second, it is related, I think, exclusively to law enforcement. So in that respect the institute we are proposing is very much different in that we are advocating a multi-discipline approach which would bring together people that are not law enforcement people but could be, for instance, probationary personnel, correctional personnel, even judicial personnel, possibly prosecuting attorneys, anybody that has anything to do with the juvenile justice system from the time of arrest all the way to placing them in some kind of institution.

The other thing is that I think all of us that have worked on this feel very strongly about, we feel that this juvenile delinquency problem is so serious, the fact that one-half of the crimes are being perpetrated by juveniles, that there ought to be special attention focused on juvenile delinquency itself, and I personally feel very strongly about this. I am convinced that what we need to do is not relegate this to another existing department that might not devote considerable attention to it—and, I am sorry to say that it is my belief that up until now, well, right now, there isn't any agency that really has concentrated on trying to do something about juvenile delinquency.

The only other Federal program that I wanted to mention is the Juvenile Delinquency Control Act which has a provision for training. I amended that on the floor, so I am pretty familiar with that. There is a section, these are the two statutes that I think would primarily be relevant and that one deals with training of people that are either

employed or want to become employed in primarily rehabilitating and treating juvenile offenders. But here again it doesn't really deal with the multidisciplinary approach of judges and other people that serve other than just being involved in treating and dealing with juveniles.

So, I think there really is a difference and I think if you check the statutes, which I hope will be inserted in the record, the breakdown is not very long, I think you will see that really there isn't anything that touches this particular area.

We were heartened, Mr. Chairman, by the testimonial which this legislation received from Frank A. Orlando, presiding judge, Broward County Juvenile Court, Fort Lauderdale, Fla., as a part of his overall testimony before another committee of Congress. That committee of Congress was Claude Pepper's Select Committee on Crime. This Judge Orlando had been considered to come to work for HEW and actually head up the juvenile department. So we had some meetings with him. He decided finally not to take the job for other personal reasons.

But, anyway, I came across his testimony before this select committee. And he has served as an adviser to the Department of Health, Education, and Welfare on juvenile matters, and he was also past vice president of the National Juvenile Court Judges Association. And he had this to say:

It is my opinion that this legislation would create the vehicle by which we could provide, at a national level, the necessary training of professionals who then could return to their States and fulfill their responsibilities of updating the training and performance of the professionals in the area of juvenile delinquency prevention, control, and treatment. We do not have one single agency at a national level which has as its sole responsibility juvenile delinquency prevention, control and treatment. The Office of Juvenile Delinquency and Youth Development is primarily a funding agency and does not have the authority or the ability at this time to fulfill the functions which are encompassed in Congressman Railsback's bill. There is a distinct possibility that if a national institute was created and made an independent Federal agency, the juvenile delinquency responsibilities now being fulfilled by HEW and the Department of Justice could both be transferred to this agency so we would have a comprehensive Federal agency dealing with the funding of State programs, one which engaged in the continuing efforts to determine the causes of juvenile delinquency and developed methods to treat juvenile delinquency, and which had the resources to offer training programs for the professionals in the field.

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Mr. Chairman, I believe there would be broad support for the mission which we propose to be undertaken by the Institute. I would expect no significant opposition from the State or local levels—they are the ones we seek to help.

I frankly anticipate that at the Federal level there may be suggestions for structuring the Institute within an existing Department, such as the Department of Health, Education, and Welfare. Possibly it will be suggested that it be housed within the Justice Department. The suggestion might also be offered that some existing governmental effort might be simply expanded to assume the responsibilities of the proposed Institute. I think that these points, if they are offered, go

not to the purposes of the legislation, but to the form and administration of the Institute. But the sponsors of the legislation feel it has been drafted so as to guarantee the setting of policy and operation of the Institute on a broad-based, representative nature. We sought to place the Institute on neutral ground and to insist on appropriate cooperation by all Government departments and agencies. I would hope that the committee will take a close look at whatever suggestions are offered so it can make its own expert judgment as to where the Institute would best be located within the governmental structure.

In conclusion, Mr. Chairman, this legislation has been sponsored by nearly 100 Members of Congress. We are aware that the crime clock for 1968 reveals that there was one forcible rape every 17 minutes; one murder every 39 minutes; one robbery every 2 minutes; one aggravated assault every 2 minutes; one auto theft every 41 seconds; and one burglary every 17 seconds. In fact, there was an average of one violent crime every 54 seconds.

The many sponsors of this legislation know that nearly half of the offenders arrested in 1967 and 1968 had been imprisoned on a prior charge, and that 39 percent of those arrested in either 1967 or 1968 for a crime index offense had been previously charged with one or more serious crimes. We cannot forget that almost three-fourths of the juveniles arrested will likely be arrested again within 5 years. We also remember that nearly half of those arrested for serious crimes are juveniles, and we are determined to take action to reduce these tragic realities.

Our legislation is not just another study effort. We plan a two-pronged attack by, first, disseminating information and expertise in the field of juvenile delinquency treatment and control; and, second, by training people at the State and local levels in the newest and most effective methods of treatment and control of juvenile offenders.

As the President's Commission stated in 1967:

"America's best hope for reducing crime is to reduce juvenile delinquency and youth crime."

This is really the purpose of the bill.

Mr. KASTENMEIER. We thank the gentleman from Illinois for his testimony this morning.

First of all, I notice that much of your optimism about the proposed institute is based upon the success of the FBI Academy. Can you tell the committee anything about the size and scope of the Academy, its size and scope or its cost, or how these factors might affect the subject legislation?

Mr. RAILSBACK. The FBI National Training Academy was begun in 1935 and had very modest beginnings, and it took the approach that by training representatives of local law-enforcement agencies from the 48 States at that time, and now 50 States, that these people could come here to Washington where they actually shared facilities in the Justice Department Building and also at Quantico, Va., where the Special Agents Training Academy is located. I think they have been training about only 200 law enforcement personnel a year until recently and it has been so successful that now they are expanding that and they are going to train 2,000, plus give special training to another thousand.

As I understand it, it is a 12-week training course, it is a prestigious thing where it is an honor to be nominated. And, as I mentioned in my testimony, something like 27 or 28 percent of these people that have been trained here by the FBI have gone back and are now head of their own local law enforcement agency.

I have tried to get the expense, I know the Congress will want to know what all this is going to cost. I have talked to Mr. Leinbaugh, who happens to be a friend of mine and who is the man that should know, and I also talked to one of the members of the Appropriations Subcommittee that handles the FBI funding, and the answer is that we can't give you an answer because they don't have it broken down into any kind of a special line item. What they apparently do is they use these facilities that I mentioned and they even use their instructors from their Special Agents Academy and the only figure that I have is a general figure for training put out by the FBI which in 1969 was almost \$5 million. But that includes training the special agents, the FBI agents. So it really is not representative.

I can only say that it is my belief—and as Senator Percy said, this would be a modest investment to produce some real good results. In other words, I would envision that if we patterned this that we could obtain some facilities, we could share facilities or we could lease facilities and we would also share Government personnel, including, for instance, FBI instructors.

Mr. KASTENMEIER. Let me ask you: Generally, what is the cost you envision for the entire bill? What estimate can you give?

Mr. RAILSBACK. I wish, Mr. Chairman, I had an answer. I tried to get the cost figures of the FBI Training Academy. I was unable to do that.

In talking to one of the members, and here again one of the members of our Appropriations Subcommittee that handles the Justice Department—frankly, it is Congressman Cederberg, who is a pretty economy-minded member of that subcommittee. He tells me that it would be better probably to go with an open-ended authorization, if we could, or if somebody insists on a limit we could put a limit on it. We know what the expense would be to appoint the director, and the director would be the key staff man and we know the fixed expenses of the members of the Advisory Commission. So we can come up with a figure which I don't presently have but which we will supply.

Then I think we are going to have to let the executive branch decide; I think it is good that we give them some flexibility. For instance, it was suggested to me by Congressman Cederberg that the Justice Department might want to fund it. All right. They would have to come up with a cost figure, go to the Bureau of the Budget and the Bureau of the Budget would then come up with a budget figure.

Like I said, I can estimate. I think we owe it to this subcommittee to try to come up with some rough initial figures. They would be very modest figures, and we want them to be until we see how this works.

Mr. KASTENMEIER. It would be helpful. In lieu of giving us your estimate at this time, if you can hereafter give us an estimate or comment on any estimate that might be given to us by the administration, we would appreciate it.

Let me ask, what do you see physically as being entailed in this Institute? That is to say, would a building be necessary and clerical and professional personnel? Can you give us any idea of what is envisioned as far as an operating institute is concerned?

Mr. RAILSBACK. May I do this? May I put that information together with this other information that you request and try to come up with something a little more certain than what we have now. I would rather try to put something together that would be a little bit more authentic. I think we can do that.

Mr. KASTENMEIER. We would welcome that.

Mr. RAILSBACK. We will try to put something together. By the way, we asked the Justice Department to come up with some cost figures. I know they have been invited to testify and they can give the committee a great deal of help as far as the expense of the FBI Academy. I know I can get it from the FBI. I would like to, if you will permit me, get those figures and then submit them.

(Subsequently Mr. Railsback submitted the material, see *supra*, p. 24.)

Mr. KASTENMEIER. The committee would appreciate that.

Section 3 of your bill authorizes really unlimited appropriations to carry out the provisions of it. Wouldn't you agree, however, that the measure would have a little better chance of enactment if some ceilings were provided?

Mr. RAILSBACK. I would think that would be true. I am afraid that is probably true.

Mr. KASTENMEIER. Further, what is your reaction to whether or not there ought to be sort of a periodic refreshment of authorization, every 2 or 3 years or so, so that this Institute, once created, its director, its officials, would come in and we would have a chance to exercise some oversight?

Mr. RAILSBACK. I think that is reasonable. Not only do I think it is reasonable, I think it is an excellent idea.

Mr. KASTENMEIER. The Institute, as I understand it, would be a wholly independent Federal agency?

Mr. RAILSBACK. Right.

Mr. KASTENMEIER. Where might it be located? Washington; Philadelphia; Chicago; Madison, Wis.?

Mr. RAILSBACK. We had in the original draft that it was going to be located within an area somewhere around Washington, D.C.

Mr. KASTENMEIER. You think it should be near the Nation's capital, where all the agencies are?

Mr. RAILSBACK. Yes, I do. Although, Mr. Chairman, we envision also, if this is successful, there could be some regional training. In other words, I would hope that it would be mobile enough that we could send out teams to go into different areas and train.

Mr. KASTENMEIER. This subcommittee has had an occasion recently to recommend that newly established commissions should include Members of the Congress. This was done in the legislation to establish a marijuana commission. I wonder if you considered this. Do you have a feeling whether Congressmen ought or ought not to be included on the Advisory Commission?

Mr. RAILSBACK. I don't really have any feeling about that. I don't believe we considered it. I think we were more concerned about making sure that all of the Government departments that should be represented were represented. We wanted the States to have some representatives, because of our recently enacted legislation, so-called Omnibus Safe Streets Act. We also wanted some laymen. It was suggested to us by Milt Rector, the Director of the National Council on Crime and Delinquency, that we have some lay people.

I would personally have no objection to Members of the Congress serving. And if the subcommittee thought that it would facilitate congressional oversight, I can see where it might be a good idea.

Mr. KASTENMEIER. Is there any precedent to the provision of the bill that authorizes the Director to hold real and personal property? Does that come in any other bill?

Mr. RAILSBACK. I am not aware of any exact precedent, Mr. Chairman. I am told that the Institute of Mental Health and other related institutes under the Public Health Service have real property which is acquired by the Secretary in the name of the United States. Of course, title 41, section 14 of the United States Code provides that "No land shall be purchased on account of the United States, except under a law authorizing such purchase." Examples of which I am told are the Foreign Service Institute (22 U.S.C. 1047) and the Institute of Inter-American Affairs (22 U.S.C. 281(b)) which are given authority by express language in the law. By opinion of the Attorney General (40 Opinions Attorney General 69) in 1940, it has been determined that the authority required can be implied as well as express. The institute we propose does not have a secretary of Cabinet rank as its sole head and we thought it best to make the authority express in this case.

Mr. KASTENMEIER. The Director is also authorized to receive gifts, donations, and trusts, and this is not an unusual feature. However, do you anticipate that any substantial volume of contributions will be made?

Mr. RAILSBACK. I don't know.

Mr. Chairman, I think maybe I should have mentioned that we have held several meetings with representatives of the Justice Department and LEAA, and also HEW, and, as a matter of fact, there was a representative of the FBI at one of our meetings. And some of these suggestions come from actually the administration, even though I know we are in this unusual position of not knowing where the administration stands. But we did meet with them and actually Pete Velde of LEAA made some constructive suggestions.

Mr. KASTENMEIER. We soon will know where they stand.

Just in conclusion, I would say that as sympathetic as I am with this legislation, I am appreciative that there is a growing reluctance to create commissions and institutes and agencies to handle new problems, notwithstanding the compelling nature of the problem. And I am sure that we will face the same reluctance among our colleagues. For this reason I think the case will have to be very strongly made. The fact that you have enlisted already approximately 100 members attests to this, that the compelling need is seen.

I yield to my colleague, Mr. Mikva.

Mr. MIKVA. Let me say at the beginning, I am delighted to bask in the glory, but I want to make the record clear that the initiative and pushing on this has been primarily our colleague, Congressman Railsback, and if it comes to pass it will be because of the great effort he has put into it.

I also want to say I understand the chairman's concern about a new agency. But, frankly, if we have to take on the existing agencies, I don't know what better to take them on with than their sorry record of nonperformance, and somewhere the people are entitled to look at what has been going on. And when 75 percent of the people who

are put through juvenile justice end up as recidivists, I think that the private sector would never stand for such a record.

Every time I think of some of the fantastic euphemistic names we use for institutions, the Federal Trade Commission ought to get after some of them—reform schools, correctional institutions; they correct nobody, they reform nobody. They ought to be called finishing schools, because that is what most of them are.

I just think that we prefer obviously to do it without confronting HEW or even the Department of Justice or any of the State agencies. But if they really want to say, "Why do you need a new agency?", the short answer is because the existing agencies haven't done the job.

I might also say that all up and down the line everyone we met, from the Attorney General on down, expressed an awareness that this was needed. And I have a feeling that maybe what seems to be holding up getting unequivocal support for this measure at this point is some kind of jurisdictional bureaucratic jockeying for who is to run what seems like a good idea.

I share the view of our colleague, Congressman Railsback, that this is less important than getting it done. Maybe the best argument for going to an independent agency is that there was nothing preventing the existing agencies from having done this up to now, and the fact that it hasn't been done is probably the best indication that a new agency is needed. I think the analogy of the Institute of Mental Health is a good one. There again the same arguments could have been made. Yet the fact of the matter of setting it up made a big difference in terms of the contribution.

Mr. KASTENMEIER. If my colleague would yield. Of course, what some will say is if the present agencies are not doing the job, what is needed is not a new agency but new agency heads.

Mr. MIKVA. That is not ours to say. But if some want to do that, that is up to them.

I just want to say one other thing. I would be a little concerned about seeing Congressmen go on the advisory board. I think the oversight function that the chairman referred to initially is very important. If language can be built in here to make it clear that we are not divorcing ourselves from any concern with this agency once it is set up, I would like to see that put in. But I think it ought to be an oversight function, rather than an operating function. And I would worry about Congressmen being put into operating positions because the time they can devote to it is not there and we end up with a false sense of responsibility for the agency. And I for one would not be encouraged about that.

Finally, I would just ask my colleague one question: Have you had any indication from any of the States or local agencies that they feel this is somehow going to impinge on their prerogatives? Is there a State-Federal problem here that you see?

Mr. RAILSBACK. No. And, as you know in drafting this, we were very careful to involve as far as recommending people to attend this, we even involved the State agencies that we recently set up, which I think was a good idea because, as you know, I feel very strongly about this, we want primarily to involve the State and the local governments. And that is why we specifically set out here that we do want the State involved and the local agencies involved in recommending people to attend.

No, we have had no adverse comments.

Mr. MIKVA. I have no further questions.

Mr. KASTENMEIER. Mr. Edwards?

Mr. EDWARDS. No, thank you.

Mr. KASTENMEIER. Mr. Biester?

Mr. BIESTER. I will be very brief.

I think I just want to join the disclaimer referred to by my colleague from Illinois, Mr. Mikva, that the greatest amount of work has been done here has been done by the witness, the gentleman from Illinois, Mr. Railsback.

I also share some concern about congressional involvement, although it does seem to me that among the people who ought to benefit by the information disseminated by the institute would be those who sit in legislative judgment on measures which offer steps to correct crime which do not successfully address the real guts of it which is the recidivism rate. If you cut the recidivism rate by one juvenile life of crime, you snuff out 10 crimes thereafter, and that is 10 victims which won't be victimized. And that is the place to concentrate our efforts and not on the kind of angry demonstrating repressive measures that we are talking about now.

Mr. RAILSBACK. Mr. Chairman, if I might just add one thing. I do have some letters here, as a matter of fact, from State and local government officials that are 100 percent for the legislation.

Mr. KASTENMEIER. The subcommittee will receive the letters and then edit and reserve the right to edit them and place them in the record if space permits.

(The letters follow:)

STATE OF WASHINGTON,
DEPARTMENT OF INSTITUTIONS,
Olympia, Wash., June 5, 1970.

HON. TOM RAILSBACK,
*Longworth House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN RAILSBACK: I have reviewed H.R. 15124 and there are several comments I would like to make.

In the past few years under the stimulus of programs provided by the Omnibus Crime Control and Safe Streets Act, numerous training programs for people working in the field of criminal justice have been established in local higher educational facilities and money has been made available to provide scholarships for persons working in this field. I would in no way like to see these programs suffer because of the establishment of a central training facility. It might well be that there is a need for a central training facility to offer advanced training in the many fields involved but, again, I would hate to see it replace what is being accomplished on the local level.

I think it imperative that there be a central clearing house for materials regarding the problems of delinquents and some means established for the regular dissemination of this information to those of us involved directly with the problems of youth.

Another area of concern I have is in the establishment of the Advisory Commission. I see no place where youth itself is represented. I think all of us have come to recognize the fact that planning for is not nearly as effective as planning with, and I would strongly urge the representation of youth on the Advisory Commission.

I thank you for giving me the opportunity to express my views and I hope that they will be of some benefit to you.

Sincerely yours,

THOMAS G. PINNOCK,
Deputy Director.

STATE OF CALIFORNIA,
DEPARTMENT OF YOUTH AUTHORITY,
Sacramento, Calif., June 5, 1970.

HON. TOM RAILSBACK,
House of Representatives, Washington, D.C.

DEAR MR. RAILSBACK: H.R. 15124 positively addresses itself to two important needs: 1) an information bank of treatment programs that are effective in the area of juvenile delinquency, and 2) the development of new training resources for those concerned with prevention. We can enthusiastically support efforts in both of these areas.

The following suggestions and comments are presented for your consideration. 5042, *Functions, Page 3, Line 22*: "(f) to develop technical training teams . . .". I assume that the reference is to trainers with the capacity to carry out the programs referred to in paragraph (e) above. It would help if this particular paragraph was more precise as to intent.

5043, *Director and Staff, Page 4*: It might be desirable to add a section describing the experience and training the Director of the Institute would be expected to possess, and I would hope that experience would be from law enforcement, correction or justice. It might also be desirable to have legislation call for a panel of names to be presented to the President from which an appointment could be made.

On Page 5, Line 8, Paragraph (a), the legislation *requests* information; requesting does not insure the Institute that it will receive information it needs. Perhaps paragraph (b), Line 15 of Page 5 takes care of this when you authorize reimbursement, but I still think there may be a possibility that some agencies simply will not have the time, or willingness, to provide "requested information".

Under Section 5045, *Advisory Commission*, beginning Page 6, and continuing through Page 7, you specify six categories of persons who should be appointed to your Advisory Commission. I have no objection with the general representation, but do feel that probation services (the primary correctional treatment service in the United States), and law enforcement are underrepresented. You may not wish to differentiate; but if you do, then it is important that your advisory group represent those who are most involved in prevention and corrections by giving greater representation to law enforcement and probation.

This same section makes no mention of the two national organizations concerned with this field, although it might be assumed that they would be included as representatives of private organizations described in Line 5, Item 5, Page 7,—specifically, I have in mind the National Council on Crime and Delinquency and the American Correctional Association.

Probably my most serious concern would be Section 5048, *Enrollment*, beginning on Page 9. It is important to involve the state planning agencies for the Juvenile Delinquency Act and the Crime Control Act of 1968, but using these agencies for applications and admissions is a cumbersome process. It could become a bottleneck in the Institute's receiving and processing applications. The same thing could be achieved by reversing the process proposed, i.e., each candidate would apply directly to the Institute and the Institute, in turn, could refer the applications to the appropriate state agency for screening or review. In this way, the Institute will know both the number and the status of every application and will also be in a position to follow up on applications that are not responded to by the state planning agencies. Here in California, state staff are frequently overwhelmed with applications or proposals and they are not able to process them as expeditiously as they might like to.

The provision beginning on Line 13, Page 9, relating to stipends is most important. This provision, probably more than any other under the training function, would enable the Institute to become a meaningful program to staff of correctional and prevention programs throughout the United States. It would make the Institute a truly viable organization for advancing knowledge and skill in prevention and correctional treatment.

Sincerely,

ALLEN F. BREED,
Director.

JUVENILE COURT,
San Francisco, Calif., June 12, 1970.

MR. TOM RAILSBACK,
House of Representatives,
Congress of the United States, Washington, D.C.

DEAR MR. RAILSBACK: I was very pleased to get a copy of House Bill 15124 establishing an Institute for Continuing Studies of Juvenile Justice.

In my review of the Bill I support you wholeheartedly in the establishment of such an Institute that could be of service to correctional agencies throughout the country. I feel that this Institute will fulfill a need and will be well worth the budget that would be needed to implement its operation.

I would like to suggest that in Paragraph (b) line 9 there be some clarification as to whether employees of the Institute would be hired under Federal Civil Service statutes or whether the Director would have the freedom that seems to be implied for sole authority for employment of his own staff, faculty and administrative personnel. Under Paragraph 5044 I am wondering if mention can be made to authorize the Institute to coordinate with educational institutions throughout the country to utilize some of their facilities and expertise, such as Southern Illinois University's program on detention and correction.

I will do what I can on my end to support this Bill, and if there is any way in which I can be specifically helpful should this Bill be implemented I would consider it a privilege to be of assistance.

Sincerely yours,

JOSEPH J. BOTKA,
Chief Probation Officer.

DEPARTMENT OF COURT SERVICES, HENNEPIN COUNTY,
Minneapolis, Minn., June 23, 1970.

HON. THOMAS F. RAILSBACK,
House of Representatives,
Washington, D.C.

DEAR MR. RAILSBACK: I would like to express my support for H.R. 15124. As a member of the Professional Council of the National Council on Crime and Delinquency and as a court services administrator, I can say without reservation that development of competent personnel for this field is of highest priority.

As you can appreciate, one of the big problems of most agencies is freeing staff to obtain further education. The provision in this bill for per diem pay is, therefore, a very attractive feature.

The only other comment I have is about the provision of an institute director, for only four years. I wonder if a competent person would want to take an appointment for that limited period of time. Certainly if a person would turn out to be unsatisfactory he could be terminated at any time. On the other hand, it would seem that there would be much more drawing power for a high caliber person if the probable tenure for satisfactory performance were greater than this limited period of time.

More than incidentally, I would like to give support to the provision for the institute becoming a clearinghouse for information. It was very disappointing to all of us in the juvenile court field to learn that the functions related to this and to federal standard-setting were dropped when the Children's Bureau Delinquency Division was abolished. No other federal agency has assumed responsibility for these functions. Although it is true that most states have a cadre of competent people, which historically they did not have, this does not relieve the need for a national standard-setting body. Standard-setting and consultation are key functions necessary for all agencies even though they may be competently operated.

Your leadership in support of this move toward improving the quality of personnel in this field is to be highly commended.

Sincerely,

JEWEL GODDARD, Director.

STATE OF FLORIDA,
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES,
Tallahassee, Fla., July 14, 1970.

CONGRESSMAN THOMAS F. RAILSBACK,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RAILSBACK: I apologize for not responding before now to your May 28 letter. Your letter arrived at the close of a legislative session, with all of our attention devoted largely to budget problems and other requests.

House Bill 15124, establishing the Institute for Continuing Studies, has apparently overcome most of the questions that came to my mind when I first read your letter. You provide travel money and per diem for those who come to the Institute. Most important, you provide traveling teams to visit "various geographical regions."

Unless funds are provided, as you have done, few states could afford to send employees for training. Moreover, if the training is of long duration, many agencies would be reluctant to send key staff, thereby leaving vacant important positions.

The bringing of instructional teams into different states is an excellent idea. Many agencies and correctional institutions could profit from informed instructors who come "on site." This would permit training and staff development of those who most need it—house parents, work supervisors, etc.

Rather than duplicate much of the information-gathering already accomplished by NCCD, it makes sense that the Institute contract with an organization like NCCD for such service.

Congratulations on what appears to be a fine piece of legislation.

Sincerely,

O. J. KELLER, Jr., *Director.*

Mr. KASTENMEIER. The Chair would like to again thank the gentleman from Illinois for appearing this morning. We appreciate his own advocacy of a measure designed to alleviate one of the greatest problems confronting the public. And I hope and trust that in the days to come the Committee will be able to work out something positive along the lines that have been recommended.

This concludes the testimony from Congressman Railsback.

Mr. RAILSBACK. Thank you, Mr. Chairman.

Mr. KASTENMEIER. At this point, the Committee recognizes the gentleman from Illinois, Mr. Mikva, for his statement and without objection his statement will be received and made part of the record at this point.

(Mr. Mikva's statement follows:)

STATEMENT OF HON. ABNER J. MIKVA, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF ILLINOIS

Mr. Chairman, as one of the original sponsors of the bill, I want to underscore the urgency of the problems of juvenile crime and delinquency. Our failure to act sooner and more decisively in this critical area has been deeply disturbing to anyone who looks at the real facts of street crime in America.

Juvenile justice is not a secondary front in the war against crime; it is the main event, it is the battle we must win or lose the war, it is the contest that will make or break us. Many people tend to think of the juvenile justice field as specialized and limited, with only a small contribution to make to crime control. They couldn't be more wrong. By our most recent estimates, persons under 21 account for over 64% of the arrests made throughout the nation for so-called "index crimes," on which FBI reports. One of every two people arrested for these major crimes is under 18 years old.

In individual categories the proportions were even higher: Persons under 18—who are not even subject in most states to adult criminal laws—accounted for over 20% of the arrests for forcible rape, for over 33% of the arrests for aggravated assault, for over 54% of arrests for burglary and larceny, and for over 60% of arrests for auto theft.

What is even more shocking than these figures is the thought that these young people—14, 15, 16 and 17-year olds—have not turned to a life of crime after years of unemployment, alcoholism or dope addiction; they are *starting* life as criminals, and many if not most of them will have long years of criminal activities ahead of them.

Mr. Chairman, I do not exaggerate when I say that there is no more significant contribution which this Congress could make to crime reduction than to enact a program which will be an effective antidote to this poisonous trend of juvenile crime. If we cannot develop effective techniques for dealing with juvenile crime, then we might as well quit kidding ourselves about winning the war on crime. There will be too many new recruits coming up to reinforce the enemy—faster than we can deal with them.

There is one thing which more than any other is handicapping our efforts to deal effectively with juvenile crime: lack of trained personnel. As far back as 1966 the Task Force on Juvenile Delinquency and Youth Crime of the President's Crime Commission made recommendations for improving our juvenile system. Almost every one of those recommendations requires additional personnel. The Commission recommended that juvenile "specialists" should be present and aid in prejudicial disposition when juveniles are first arrested. Police should be often replaced by "paid case aids drawn from the neighborhood . . . and selected for their knowledge of the community and their ability to communicate easily with juveniles." There should be expanded use of "community agencies for dealing with delinquents nonjudicially. . . ." Juvenile courts should use preliminary conferences with trained case workers where possible. Probation and supervised release pursuant to consent decrees should be used.

But all of these techniques—as well as new ones yet to be developed—depend on the availability of trained, professional personnel. And the sad fact of the matter is that such personnel are simply not available today.

Of the over 21,000 personnel employed in state juvenile facilities in 1965, the Commission found that less than 1200 were professional treatment personnel. In that year, it was estimated that just to man the juvenile justice system adequately it would require 5,000 more custodial and group supervisory personnel; 1,400 case managers in correctional institutions (almost twice the number available); 6,000 case workers in community-based programs such as probation; and 4,000 specialists of various sorts. And remember this was only for juvenile corrections and only to deal adequately with the situation in 1965, five years ago. Today our needs are proportionately greater but our resources are not.

The point is not statistics showing how serious the problem of juvenile crime is or how inadequately we have prepared ourselves to deal with it. These points have been proved beyond dispute. The real point is that we must now summon the will to do something to improve the situation. For years the federal government's FBI Academy has been a model for law enforcement professionalism. It has trained thousands of state and local law enforcement officials. If we are to begin solving the serious problem of juvenile crime which we now face in this country, we must make a comparable effort in training, motivating and providing information to juvenile justice specialists.

The Institute for Continuing Studies of Juvenile Justice, as proposed in the bills pending before this Subcommittee and co-sponsored by over 100 Members of the House, would provide an admirable vehicle for putting federal resources—money, training, and expertise—to work on the problem of reducing juvenile crime. Of course it is not the whole answer. But the great shame of juvenile crime, as in so many other aspects of our criminal justice system, is that we are not even using on a nationwide basis the knowledge we already have. We are not applying the lessons which we have already learned; we are not employing the techniques which have already been proven.

As a Member of the Subcommittee who is terribly concerned about what the high and rising trend in juvenile crime means for the future of our country, I hope we can act on this proposal quickly.

As I indicated earlier, in focusing on juvenile crime, we will not be diverting our energies to some subsidiary target. Reducing crime among our citizens below age 21 is where the real hope for crime control rests, for both the present and the future. The Institute for Continuing Studies of Juvenile Justice could be a big step toward achieving that goal. Such an effort is long past due. If we do not take this important step now, we may never know the human and fiscal cost of our failure—even if we are lucky enough to survive such a failure.

Mr. KASTENMEIER. And the Chair recognizes the gentleman from Pennsylvania, Mr. Biester, and his statement will be received and made part of the record.

(Mr. Biester's statement follows:)

STATEMENT OF HON. EDWARD G. BIESTER, JR., A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I would like to take this opportunity to lend my support to the legislation pending before the Subcommittee which would create the Institute for Continuing Studies of Juvenile Justice.

Studies made of the careers of adult offenders have consistently shown the importance of juvenile delinquency as a forerunner of adult crime. The earlier a juvenile is arrested or brought to court for an offense, the greater the likelihood that he will carry criminal activity into adult life; and the more frequently and extensively a juvenile is processed by the police, court and correctional system, the more likely he is to be arrested, charged, convicted and imprisoned as an adult.

One of the prime purposes of the legislation is to provide a coordinating center for collecting useful data regarding the treatment and conduct of juvenile offenders. In order to prevent and control juvenile delinquency, it is first necessary that we know something about the nature of delinquency and the dimensions of the problem.

There is much we should know about juvenile delinquency. The President's Commission on Law Enforcement and Administration of Justice reports that "the only juvenile statistics regularly gathered over the years on a national scale are the F.B.I.'s Uniform Crime Reports, based on arrest statistics, and the juvenile court statistics of the Children's Bureau of the U.S. Department of Health, Education, and Welfare, based on referrals of juveniles from a variety of agencies to a sample of juvenile courts."

I believe there is a definite need for more and better information and the enactment of this legislation will be a major step in establishing a clearing house or data bank for all the valuable information presently in existence concerning juvenile delinquents.

The Institute, as envisioned by this legislation, would also act as a national center for the evaluation of the techniques in treatment of juveniles in each discipline that deals with the juvenile on a day-to-day basis. Once the success of techniques has been verified, the Institute would immediately make them available through training manuals, short-term instruction courses at the Institute, and training evaluation teams to visit local agencies.

The President's Crime Report states that "it is with young people that prevention efforts are most needed and hold the greatest promise. It is simply more critical that young people be kept from crime, for they are the Nation's future, and their conduct will affect society for a long time to come." I believe this legislation can make a significant contribution in that effort by providing training for law enforcement officers, juvenile welfare workers, juvenile judges, probation officers, correctional personnel and other persons connected with the treatment and control of juvenile offenders.

By this legislation we would hope to promote a greater understanding of the nature of juvenile offenses, to encourage and develop a greater utilization of pre-adjudicatory handling processes, and to combat recidivism among juvenile offenders. Thank you.

Mr. KASTENMEIER. The Chair would like to announce continuation of our hearings on next Wednesday, July 29, 1970, in this room at 10 o'clock. We will hear administration witnesses representing the Justice Department and HEW.

Until such time, the committee stands adjourned.

(Whereupon, at 11:25 a.m., the subcommittee adjourned, to reconvene at 10 a.m., Wednesday, July 29, 1970.)

INSTITUTE FOR CONTINUING STUDIES OF JUVENILE JUSTICE

WEDNESDAY, JULY 29, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 3 OF
THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:10 a.m., pursuant to recess, in room 2226, Rayburn House Office Building, Hon. Robert W. Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Kastenmeier, Mikva, Edwards, and Biester.

Staff members present: Herbert Fuchs, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. The hearing will come to order.

The subcommittee has met this morning to resume hearings on H.R. 14950 and related measures to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice.

Our first witness is the Honorable Wallace H. Johnson, Associate Deputy Attorney General of the Department of Justice.

Mr. Johnson, you are welcome before the subcommittee. If you would like, please identify those accompanying you.

STATEMENT OF HON. WALLACE H. JOHNSON, ASSOCIATE DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE; ACCOMPANIED BY PAUL L. WOODARD, GENERAL COUNSEL, LEAA; AND DANIEL L. SKOLER, DIRECTOR, OFFICE OF LAW ENFORCEMENT PROGRAMS

Mr. JOHNSON. Thank you very much, Mr. Chairman.

I am accompanied today by Mr. Daniel Skoler, who is the Director of Law Enforcement Programs for the Law Enforcement Assistance Administration. He is on my left.

On my right is Mr. Paul Woodard, who is the General Counsel of the LEAA.

Both individuals are very familiar not only with the law governing the operation in the Department of Justice, but with the programs that have already been undertaken under the Omnibus Crime Control and Safe Streets Act of 1968. We would all be very happy to answer whatever questions are directed at us by the members of the committee.

But before that, I would like to present, with the committee's indulgence, a very brief statement outlining our general position.

The bill, which is the subject of the hearing this morning, would create an institute solely concerned with juvenile delinquency matters and completely independent of other governmental departments and agencies. The main aim of the institute would be to devise and conduct programs of short-term training in the latest effective methods of control and treatment of juvenile offenders. This training would be available to law enforcement officers, juvenile welfare workers, probation and corrections personnel, judicial personnel and other Government and lay persons connected with the treatment and control of juvenile offenders. Training teams would also be established by the Institute to aid State and local agencies in developing training programs and to aid them in working directly with juveniles and juvenile offenders.

In addition, the Institute would serve as a data bank for information derived from studies and research involving the treatment and control of juvenile offenders. Useful information so obtained would be published and distributed by the Institute to individuals and agencies concerned with juvenile offenders. The Institute would be headed by a director, appointed for a 4-year term by the President, with the advice and consent of the Senate. An advisory Commission would supervise overall policy and operations.

Mr. Chairman, the Department of Justice clearly recognizes the vital need for improvements in the treatment and control of juvenile offenders and the prevention of juvenile delinquency. We agree with the two main thrusts of H.R. 14950—improved and expanded training for professionals in this field and establishment of an information bank for valuable treatment data. The two objectives are being pursued today under current authority and programs administered by the Department of Justice and HEW.

The Department of Justice program is handled by the Law Enforcement Assistance Administration, which is authorized to make action and discretionary grants for the training of law enforcement personnel. Law enforcement is defined under section 601 of the Safe Streets Act as meaning "all activities pertaining to crime prevention or reduction and enforcement of the criminal law."

Pursuant to this authorization many States have used their action grants to fund workshops and seminars to provide continuing studies for persons engaged in working directly with juvenile offenders. Action grants have also been used by the States and local governments to provide short-term training to all types of law enforcement personnel in the latest methods of prevention, control and treatment of juvenile delinquency.

In addition, LEAA is authorized to render technical assistance to States, units of local government and private organizations in matters relating to law enforcement, and LEAA currently is providing technical assistance to requesting State and local agencies working with juveniles and juvenile offenders. This assistance would be available for the development of technical training teams as well as for the establishment of training programs for lay personnel connected with the treatment and control of juvenile offenders.

Since many States have ranked juvenile delinquency near the top of their law enforcement problems, LEAA is heavily involved in juvenile delinquency control and prevention efforts. Figures for fiscal year 1970 indicate that in excess of \$32 million of LEAA fund

grants were distributed, and in the form of \$4 million in the form of discretionary grants.

I would like to submit, with the chairman's indulgence, for the record examples of various training projects that have been undertaken by the States with LEAA financial support and other technical assistance that has been furnished by LEAA.

Mr. KASTENMEIER. Without objection, your submission will be accepted and be made part of the record.

(The information follows:)

EXAMPLE OF SHORT-TERM TRAINING AND SEMINARS AND WORKSHOPS FOR JUVENILES

Alaska.—Management Seminars, quarterly, \$7500.

California.—Juvenile Justice System manpower development, \$120,608.

California.—Manpower Development and Training (Juvenile), \$240,000

Delaware.—Seminars for custodial personnel, \$15,000.

Illinois.—Training of Criminal Justice Personnel (including juvenile), \$108,000.

Michigan.—Crime and Corrections workshop, police, judges, correctional personnel, legislators, citizens, \$30,000.

Michigan.—In-service training for juvenile court staff and probation aides, \$104,000.

Michigan.—Manpower Training Paraprofessional juvenile and adult corrections specialists, \$20,000.

Crime and Corrections workshop including juvenile, 7-10 conference, \$20,000.

Nevada.—Specialized seminars for professional and semi-professional staff of Services to Youth staff, 150 will participate, \$19,500.

North Dakota.—Institutes for probation agents, juvenile commissioners and juvenile court judges, \$24,000.

Pennsylvania.—Juvenile probation officers training institute, trainee-ships for juvenile probation officers to attend training institutes and payment of tuition and stipend for juvenile detention workers to receive special education, \$23,352.

South Carolina.—Seminars—workshops for corrections personnel, \$38,000.

Texas.—In-service training for juvenile probation officers, \$7,500.

Washington.—Training Seminars and workshops for corrections personnel, 150-200 personnel would receive task performance training, 40 conceptual and planning training, \$15,000.

Seminar to provide in-depth discussion of current problems experienced by all law enforcement personnel including police, judges, probation and parole, institution, et cetera, \$15,000.

TECHNICAL ASSISTANCE PROVIDED JUVENILE DELINQUENCY PROGRAMS THROUGH TECHNICAL ASSISTANCE CONTRACTS AWARDED BY LEAA

Alabama.—Development of Plan for Juvenile Detention Care.

Arizona.—Juvenile Detention Planning, Regional Detention Planning Workshop.

California.—Planning Regional Facility for Female Juvenile Delinquents.

Connecticut.—Evaluate Clinical and Social Services of Boys School, Evaluate Education and Cottage Life in Girls School, Special Treatment Unit, Reception & Diagnostic Center, Evaluation Administration of Boys School, Food Service, Connecticut School for Boys.

Florida.—Survey of Juvenile Court Organization Structure and its Training Needs.

Indiana.—Juvenile Detention and Treatment Center.

Kentucky.—Juvenile Delinquency Personnel Recruitment and Training, Group Services Evaluation, Juvenile Delinquency Data Processing System.

Maryland.—Regional Detention Center Planning, Survey of Size for New Juvenile Detention Center.

Mississippi.—Assistance with Planning a New Juvenile Diagnostic Center, Juvenile Training School Program.

Missouri.—Institute for Planners in Juvenile Delinquency Prevention and Control.

Nebraska.—Planning Youth Diagnostic and Rehabilitation Center.

Virginia.—Juvenile Facilities Size and Type, Evaluation of Juvenile Detention Home, Juvenile Delinquency Prevention Program.

Washington.—Youth Corrections Program Planning for a Rural County.

West Virginia.—Juvenile Detention Project, Juvenile Delinquency Program, Study Juvenile Detention Problem.

In fiscal year 1970 \$409,876.79 was expended or encumbered in connection with the corrections technical assistance program. The National Council on Crime and Delinquency, American Corrections Association, and the University of Georgia received contracts to provide such assistance. In addition, \$50,000 was awarded to the University of Pennsylvania for technical assistance materials on planning and design of juvenile facilities.

EXAMPLES OF TRAINING PROGRAMS FUNDED BY LEAA OTHER THAN THROUGH STATE BLOCK GRANT MONEY OR DISCRETIONARY MONEY

1. LEAA sponsored workshop at Robert F. Kennedy Youth Center, Morgantown, West Virginia: LEAA funded \$8,000 for 5-day workshop for juvenile delinquency institution staff from states throughout the country.

2. LEAA funded a series of workshops for the annual meeting of the Council of Juvenile Court Judges in June—\$30,000.

Mr. JOHNSON. Furthermore, H.R. 17825, which was reported by the full House Judiciary Committee and passed by the House and which is now pending before the Criminal Laws and Procedures Subcommittee and Senate Judiciary Committee, would amend title I of the Omnibus Crime Control and Safe Streets Act by adding a new section 407 to provide as follows:

The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law.

Since the Senate bill, S. 3541, contains an identical provision, enactment of this authority is almost certain. This section would authorize LEAA to support a continuing training program from funds appropriated for that specific purpose. If this section is enacted, LEAA proposes to establish a line item in its budget for that purpose and to establish training programs for law enforcement personnel in the juvenile treatment and control area. It is anticipated that these programs will include continuing education and short-term training for all personnel connected with the treatment and control of juvenile delinquency.

Under section 402(b)(6) of the Omnibus Crime bill, the National Institute of Law Enforcement and Criminal Justice, a component of LEAA, is authorized:

To carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement.

Similarly, under section 515(b) of that act, LEAA is authorized:

To collect, evaluate, publish and disseminate statistics and other information on the condition and progress of law enforcement in the several states.

Pursuant to this authority, LEAA has undertaken the development of a National Criminal Justice Reference Service, and they have established a line item for this service in their fiscal year 1971 submission to the House Appropriations Committee. This service will

collect data dealing with the treatment and control of juveniles. This data will be published in abstract and full text form and will be distributed to individuals, agencies and organizations working in this field. The collected data will also be cataloged and indexed and upon request all the available pertinent data in particular areas of juvenile treatment and control will be supplied to the requesting party.

The reference service will focus on research and development reports and documentation on action projects; however, it will also include books, periodical and journal articles, and films pertaining to law enforcement and criminal justice. It will serve as an information system of information systems by being aware of the content and capabilities of other established information systems and will draw upon these resources when appropriate. This reference service will serve the same needs and objectives as the information bank provided in H.R. 14950.

In addition to our efforts, Mr. Chairman, the Department of Health, Education, and Welfare has a program under the Juvenile Delinquency Prevention and Control Act which will be described by Mr. Kelly who I understand will appear here as well.

In comparing H.R. 14950 with existing legislation and current and proposed programs, the overlap and duplication are apparent. Under the Omnibus Crime Control and Safe Streets Act, LEAA can do everything which H.R. 14950 would encompass, and the authority would be explicit under the House-passed amendments contained in H.R. 17825. Likewise, HEW presently has broad authority in this area. We question, therefore, whether a third entity, as would be created by the bill before this committee, is needed. In this connection it should be noted that independent agencies often experience difficulty in accomplishing their mission, lacking, as they do, the Cabinet level voice enjoyed by departmental programs.

For these reasons, while we are in accord with the objectives of the bill, we would prefer to concentrate our energies and resources in perfecting and expanding the presently existing and planned programs and projects.

Mr. KASTENMEIER. Thank you, Mr. Johnson.

The Chair has several questions, but I am going to defer them and recognize the gentleman from Illinois, Mr. Mikva, and the gentleman from Pennsylvania, Mr. Biester.

Mr. MIKVA. First let me say, Mr. Johnson, we welcome you before this committee. You are filling a very distinguished pair of shoes and I am sure you will fill them in a very distinguished manner.

I regret your first appearance is one on which we are going to have a strong disagreement; namely, the position of the Department on this bill.

Overall, I am very surprised because we worked very closely with representatives of the Department in putting this bill together; including your predecessor and the Attorney General.

I can't say I am surprised today, because I was aware this was coming for a little bit of time. I am surprised of what I considered a very narrow view that the Department has taken.

Mr. Johnson, is the Department satisfied with the efforts that have been made to understand and control juvenile delinquency in this country?

Mr. JOHNSON. Mr. Mikva, there is always room for improvement.

Mr. MIKVA. Do you think there is more than a little room for improvement?

Mr. JOHNSON. We began from the starting line 2 years ago and during the last 2 years we have made what I consider to be significant gains in initiating programs among the several States. These programs are designed to improve our knowledge and our capabilities for dealing with the juvenile delinquency issue. This is a matter which has been given top priority by the States and by the State planning agencies.

To achieve these goals we have committed, as I mentioned during the course of my testimony, approximately \$30 million.

Mr. MIKVA. Out of a total appropriation of how much?

Mr. JOHNSON. Out of a total action block grant program of \$180 million.

Mr. MIKVA. What was the total appropriation for LEAA?

Mr. JOHNSON. The total appropriation in fiscal year 1970 was \$268 million. The total action money was approximately \$180 million.

Mr. MIKVA. Let me stop you on the block grant a moment. While I am very much in favor of the Department assisting—and that is certainly the main thrust of the LEAA, to help funnel some moneys into the States that are trying to do something about crime overall—is that what you see as the function of this bill?

Mr. JOHNSON. As I conceive the function of this bill, it is to establish a centralized depository for information pertaining to the juvenile delinquency problem, and to create an institute where programs can be conducted on a standardized basis to train a relatively few number of those individuals who deal with some aspect of the juvenile delinquency issue.

Mr. MIKVA. First of all, does LEAA have that authority?

Mr. JOHNSON. As we read the statute, it has the authority now, and it will have more specific authority when the LEAA amendments are enacted.

Mr. MIKVA. To set up its own training institution?

Mr. JOHNSON. LEAA has the authority to fund State training programs. It also has, as you know, 15-percent discretionary grant funds.

Mr. MIKVA. Under your analogy we should abolish the FBI Academy, is that a fair statement?

Mr. JOHNSON. That is not what I am saying.

Mr. MIKVA. We provide moneys to the States under the LEAA to help them train their police; we provide moneys to assist them in all kinds of training programs for law enforcement, right?

Mr. JOHNSON. Yes, sir.

Mr. MIKVA. Yet we continue this, what I consider a very successful enterprise, the FBI Academy which trains law enforcement people, a small number.

Mr. JOHNSON. That is correct. The FBI Academy is part and parcel of an enforcement agency. It was established during a period of time when the FBI, which has very high standards for admission, was accepting people with college degrees, while the educational level of most local law enforcement officers was much lower. Over the years the Academy has upgraded the standards in the police community, the educational capability of the local police officers, and as a result it is a very, very highly regarded institution.

We have a different situation in the juvenile delinquency field. While the people who are involved in this field are very fragmented throughout the country and throughout their own State or local governmental structures, they are usually very, very well educated individuals. Hence, the training problem, as the Department views it, is seeing that these individuals have the opportunity to update their knowledge, by being made aware of available research. In this way they will be able to benefit from the experience of the others working in this field and in other related disciplines.

Mr. MIKVA. I am afraid, Mr. Johnson, that I am confused about the difference between the way you are using the word "education." I am sure, for example, that most juvenile judges in the country are well educated. But, I confess I have seen a lot of them who are not well trained, or trained at all, in the field of juvenile delinquency. You may be right that law enforcement officers dealing with juveniles, have college degrees, but I know an awful lot of them who have had not one moment of training in handling juveniles. Now if that isn't the same function that the FBI has performed for law enforcement officials generally, then we don't use the same words.

You are saying that the FBI Academy was successful because it so happened most policemen didn't have college education?

Mr. JOHNSON. No; I am not suggesting that there is not room for the function which you propose in this bill. What I am saying is that those training programs of which you conceive are now underway in the LEAA. Further, unlike the situation that existed when the FBI Academy was created, we are not trying to pull the juvenile delinquency people up by their bootstraps as far as educational qualifications are concerned. Rather, we are trying to make available to them the knowledge that exists today with respect to juvenile delinquency, and we are trying to improve the dissemination process to insure that in the future they will receive whatever research information and other data are forthcoming.

As I pointed out during the course of my testimony, we are very, very much in agreement with the objectives of the bill. I do not disagree at all with the committee on that matter. What we do suggest is that existing authority makes it more practical to approach these objectives under existing programs as opposed to initiating an independent agency or an independent program outside of the Department of Justice.

Mr. KASTENMEIER. If I may interrupt, Mr. Johnson. You said you have no disagreement with the committee on this point. The committee itself has no point of view on this.

Mr. JOHNSON. I am sorry, Mr. Chairman; with the sponsors of the bill.

Mr. MIKVA. I would merely say to you that being against juvenile delinquency is sort of like being for motherhood. I don't doubt Justice and HEW are against juvenile delinquency. But both have been involved in this field for a long period of time. And I must say that if we are going to look to performance standards, then clearly some new directions ought to be taken. We haven't even kept up with the problem, let alone begin to solve it.

I suggest to you that I recall when I first entered the State legislature in Illinois back in the early 1950's, the legislatures of my State and other States were wrestling with the problems of juvenile delinquency.

We didn't have the money or the expertise and we did not have the standards for the people who were dealing with the field. All of those conditions still prevail. What you are saying to me is that LEAA can provide the money. You are also suggesting that HEW maybe, judging by your previous reference in the statement that I skimmed through, can provide some of the expertise. But I see nothing in what you have said in your statement or nothing that the Department of Justice has taken as its position, and certainly nothing in the LEAA amendments that we passed, which is going to treat juvenile delinquency more seriously than it has been treated up to now—and up to now the problem has been running away from us.

I just cannot understand the change of position that has occurred in the Department since this bill was first discussed with them. And I must say, as far as I can see, what it suggests is that the Department continues to think that juvenile delinquency is a problem, one of many, and like the others it will take its turn in getting solved. I am sorry to see that.

I have no further questions, Mr. Chairman.

Mr. KASTENMEIER. The gentleman from Pennsylvania, Mr. Biester.

Mr. BIESTER. I am wondering if it will be possible to obtain some more data. You may not have this available at your fingertips but perhaps it could be supplied.

Mr. JOHNSON. We would be happy to supply whatever information you desire.

Mr. BIESTER. In terms of data on reported crimes—and you and I know that that is probably the smallest of the group—what percentage of reported crimes are committed by juveniles?

Mr. SKOLER. I don't know the overall percentage; it is a very large percentage.

Mr. BIESTER. Would 50 percent or more be a fair percentage?

Mr. SKOLER. Fifty percent would certainly cover property crimes, the young man category.

Mr. JOHNSON. We will submit specific figures.

Mr. BIESTER. But can we agree for the purpose of this discussion that it is about 50 percent or more?

Mr. JOHNSON. Yes, sir.

Mr. BIESTER. Can we also agree that unreported crimes, petty crimes, muggings and violence, the petty burglaries that are simply too much of a nuisance for some people to report, or for one reason or another they go unreported, are also largely committed by juveniles? Isn't that a pretty good estimate?

Mr. JOHNSON. Yes, sir.

Mr. BIESTER. Now in terms of the general crime problem in the country, as it affects both the general public and the people who commit these crimes, wouldn't you agree that juveniles and their crimes are the greatest crime problem that the country faces?

Mr. JOHNSON. I think it is fair to say, Mr. Congressman, that the juvenile problem is one of the most significant ones. There are certainly other facets of the overall crime problem that are clearly interrelated with the juvenile problem.

Mr. BIESTER. Let me pursue this further, because I am after a superlative here. Can we agree that a juvenile offender whose activities are not successfully resolved at the time of the commission of his first crime at, say, age 13, 14, 15, is likely to commit at least 10 reported crimes later on?

Mr. SKOLER. I really don't know whether we can agree with the specific figure.

Mr. BIESTER. But certainly it is a substantial figure, between five and ten additional crimes.

Mr. JOHNSON. Yes, sir.

Mr. BIESTER. Is there any other single step that we could take as a society in addressing the crime problem, or any other single focal point which would accomplish as much in the number of crimes committed in this country than a resolution of the juvenile crime problem?

Mr. JOHNSON. I do not think it is fair to say that a resolution of the juvenile delinquency problem is going to solve the overall crime problem, as we know it and as we describe it today. However, because juvenile delinquency is so interrelated with other crime problems, such as drugs and organized crime, a resolution of this problem would have a significant impact upon the overall crime picture. Hence, it certainly is one facet of the problem to which we are paying a great deal of attention and which we have ranked as one of highest priority. This attitude is further manifested by the large number of juvenile related programs contained in the State plans, which have been submitted under both the block and discretionary grant programs.

I am not prepared to say, Congressman, that it is the single most important crime problem.

Mr. BIESTER. Let me ask this question: In terms of reported crimes, and obviously you very well may not have this figure but you may supply it, what percentage of reported crimes are committed by people over the age of 30?

Mr. JOHNSON. We will have to submit that figure.

(Subsequently, the following information was submitted:)

It is not possible to determine what percentage of reported crimes are committed by any particular age group. Many reported crimes go unsolved, and until a conviction is obtained, it is not possible to accurately determine who committed a crime. However, arrests are the most widely used measure of criminal behavior, and the arrest figures are available.

The Federal Bureau of Investigation annually issues the Uniform Crime Reports, and the latest available edition of the UCR indicates that in 1969 5,862,246 arrests were made. The figures indicate that 25.6 percent of those arrested were under 18 and 74.4 percent were over 18. Persons under 25 made up 51.4 percent of those arrested. Persons 30 and over made up 38.9 percent of those arrested.

Mr. BIESTER. Could we agree that it is a rather small figure?

Mr. JOHNSON. Yes, sir.

Mr. BIESTER. Any operation like LEAA, I would suppose, in terms of its discretionary money, must have a set of priorities. Where in the set of priorities is the juvenile problem?

Mr. JOHNSON. I think the answer cannot be a simplistic answer, because the decision to extend a grant will depend on the type of request that is made, the other grants that have been made to a particular area, the availability of funds, and really, the timing of the request. These are all factors that are taken into account before deciding where to allocate the funds.

But, at the same time, one of the provisions contained in the LEAA bill which recently passed the House would modify the matching requirements on discretionary grants. This modification will permit LEAA to stimulate, through more generous funding those programs which have fallen "between the cracks." Certainly, there are many,

many meritorious juvenile delinquency programs, corrections-related programs, which fall into this category.

At the same time, the first offender correction issue is of very, very high moment to us. Part E of the same bill stimulates State spending in that area by providing that 25 percent of the total LEAA appropriation is to be expended on correction-related part E programs. This is another method by which we recognize and react to priorities.

Mr. BIESTER. What percentage of the discretionary money has gone for juvenile programs?

Mr. JOHNSON. In fiscal year 1970, the discretionary money exceeded \$4 million. Now the discretionary funds available exceed \$30 million.

Mr. BIESTER. So it would be 11 to 12 percent?

Mr. JOHNSON. Yes, sir.

Mr. BIESTER. As you look at the block grant picture, where do you find the States putting their priorities?

Mr. JOHNSON. I think Mr. Skoler can elaborate on this answer, but in the fiscal year 1970 plans which were submitted and which were actually funded, juvenile related programs accounted for approximately 17 or 18 percent of the moneys. Corrections, I believe, rose to approximately 30 percent in the last year.

Mr. BIESTER. Would that include part of the 17?

Mr. JOHNSON. That is separate and apart.

So, in fact, we are talking about almost half of the money which is in some way, shape or form being directed toward the juvenile problem.

I think if we were to also include — and again Mr. Skoler can elaborate and be more specific on this—those State programs which were directed at the drug issue, which is totally and completely interwoven in the juvenile problem, the percentage would be much higher.

Mr. SKOLER. I think Congressman Biester made the case when he very persuasively, in terms of his question, indicated that the total crime problem is largely the juvenile crime problem. It makes the label "juvenile delinquency" alone not a very viable category in terms of analysis, and I think Mr. Johnson is trying to indicate that police-community relations problems are largely with juveniles; narcotics programs largely involve juveniles, and so forth, but for working purposes, because half of all the crimes are committed by that certain age group, the juvenile categorization is not a useful working tool. I think that is the problem we are grappling with. Better police operations mean better police operations in dealing with the one out of every two offenders who are juveniles.

Mr. BIESTER. I have two other questions. One would be with respect to HEW and Justice. Do you think that there should be extensive cooperation between HEW and Justice with respect to the juvenile problem as each addresses it in its own jurisdiction?

Mr. JOHNSON. There is no question of that. There are approximately 55 State planning agencies throughout the country, created under title I of the Omnibus Crime Control and Safe Streets Act. These agencies perform various planning functions in connection with some of those HEW programs. Extensive steps have been taken to insure that there are cooperative efforts between Justice and HEW and to insure that the maximum use is made of the Federal efforts. I think

that the answer to your question is self-evident: there should be close cooperation between the two departments.

Mr. BIESTER. What forum is used for that cooperation?

Mr. JOHNSON. I am not sure I understand the dimension of your question.

Mr. BIESTER. Is it on an informal basis or formal basis?

Mr. SKOLER. There was a mention of the fact that a number of the State planning agencies serve both programs. About a year ago there was a joint Mitchell-Finch directive urging cooperative action at the State level and at our level.

An example of the recent cooperation is the fact that a juvenile delinquency program in HEW, its people, is now analyzing our 1970 State law enforcement plan submissions with respect to the juvenile delinquency component as a preliminary to our joint collaboration in determining a common program thrust for these juvenile delinquency programs.

Mr. BIESTER. I didn't want to consume too much time with my own questions. I did have one observation I would like to make and that is that consistent with the observation of the gentleman from Illinois that we don't, I don't look at the juvenile problem as simply another aspect of the crime problem or simply an aspect of it. I consider it a dominant factor in the crime problem; however, it may weave itself into drugs, organized crimes and others. It is the focal point at which all of these problems express themselves in terms of specific crime and violence. And it seems to me that rather than run the risk of seeing efforts addressed to that focal point splintered among a lot of agencies that we would be better to express through a precise focal point our national concern about this problem.

That is where I am afraid we part company with you on the bill. I don't say that these other efforts ought not to continue, but it does seem to me there should be some precise focal point through which the national concern addresses itself.

I think that is probably a philosophical difference, at least at this point.

I appreciate your testimony and we are pleased to welcome you. We are really very pleasant people.

We are very happy to have you here.

Mr. KASTENMEIER. Mr. Edwards has had to leave temporarily and he will return.

Mr. JOHNSON. I have just a couple of questions. There are several things that you seem to be doing in the field, and the cooperation between HEW and your own Department, seems to me prospective. You suggested there must be very great cooperation between the two.

The next witness states "We also plan to work, to work more closely with the Department of Justice," et cetera. So much, really, of the cooperation is in the future, and apparently there isn't a great deal other than the fact that you are going over each other's budgets or something in the past relating to this coordination or cooperation between the two Departments.

Mr. JOHNSON. I would elaborate on that to this extent, Mr. Chairman: As you know, the LEAA program and the Justice Department effort have been underway for only 2 years, and many of the HEW programs also have been underway for only 2 years. The LEAA started with a budget of \$63 million and, as I am sure you appreciate,

not very much was done during the initial year. The program, and the States' efforts, really got underway in the second year when the budget went up to \$268 million. The programs which were undertaken during these initial years were mainly programs which had been put into the pipeline in anticipation of the Agency. However, those programs which are anticipated for the future years are those which have been planned during the last 2 years.

The budget for this year, as contained in the House-passed appropriations bill is \$480 million; the authorization is \$1 billion for next year and \$1½ billion for fiscal year 1973.

Yes; we are talking in terms of the future, because the LEAA program is a futuristic program. The States' efforts will be fulfilled as more and more funds are available on the Federal level and as more comprehensive and sophisticated programs are developed.

I think it is safe to say that during the initial, formative years of this Agency, they were sensing out their relationships with the other governmental agencies, and with the other people who were interested in this field.

At the same time, that does not mean that they have not cooperated in the past, have not gone to great lengths to insure there is no duplicity and to insure that the Government's efforts and money are spent in the most productive manner.

Mr. KASTENMEIER. There is at present, as I think the gentleman from Pennsylvania pointed out, no instrumentality to bring the two Agencies together for purposes of discussing this problem as a separate issue. Presumably creation of such an instrumentality is one of the purposes of the bill as proposed.

There is one other point I would like to ask you about, that is the initiative for investment in juvenile corrections, juvenile delinquency prevention.

You state—

Since many States have ranked juvenile delinquency near the top of their law enforcement problems, LEAA is heavily involved in juvenile delinquency control and prevention efforts.

And you cite \$32 million. But that is only because many States have ranked this as a major problem. If it came to pass that many States did not rank this as a major problem because they didn't perceive that it existed, the suggestion is you wouldn't be investing any money in the field, even though it really required it.

Mr. JOHNSON. Again, there is a very subtle interrelationship between what is conceived of as a national priority and what is viewed as a State priority. The thrust of title I is that law enforcement and criminal justice is basically a State problem, and it is a problem that should be considered and solutions should be sought at the State level. A very elaborate machinery has been conceived and is in operation to see that that is accomplished. The State planning agencies are the ones making the determination as to what the State priorities are going to be.

That is how 65 percent of the money is spent. Now, of course, a certain amount of direction and aid is given to the States in writing and preparing their plans. That is what Mr. Skoler's division does in reviewing the plans.

I don't think it is fair to say that if in fact the States were to determine that it was no longer a major priority issue, no more money would be spent there. It is too subtle, too simplistic an answer.

Mr. KASTENMEIER. Well, I was just taking the statement literally that LEAA is heavily involved because many States have ranked it a problem, and presumably for no other reason.

Mr. SKOLER. If I may, Mr. Congressman. One of the methods by which LEAA can insert national priorities into the Federal grant-in-aid picture is the provision of the discretionary grant under section 306 of the act, which, as you know, authorizes the Law Enforcement Assistance Administration in its discretion to allocate funds. The purpose of this provision was precisely to fill in gaps and plug holes. Our largest single discretionary program this year was in the area of community corrections, community-based corrections, which is one of the green lights we see for productive work in the corrections area. We granted some \$8½ million of the \$32 million in that area. And our announced priority when that program and its guidelines went out to the field—and these do not initially go through State planning agencies but rather go directly to the correctional world—was for juvenile programs. So this has been a priority and perhaps the area most directly identified with delinquency. It has been a priority in our discretionary corrections programs, that is, programs targeted at the juvenile rather than the adult offender.

Mr. KASTENMEIER. Another question: Everybody is concerned with juvenile delinquency and juvenile justice; there is no problem about that. The problem seems to be in large measure an organizational one. More precisely, as I understand it, the bill provides an informational clearinghouse, a sort of data bank and training center. And you have answered that presently there is a reference service, not devoted exclusively to juvenile criminal information but including others, that will include considerable data dealing with the treatment and control of juveniles. This will not function through a so-called data bank, I take it. Is that correct? I think the bill contemplates a data bank, but the reference service does not? You do not define that as including a data bank for purposes of dissemination?

Mr. SKOLER. It is my understanding that the reference service would be based on a sophisticated data bank, computer or ADP assisted. One of the lessons we have learned in the delinquency area is that the manual systems—and there has been some past clearinghouse funding by the National Institute of Mental Health—really didn't go whole hog. This reference service is not yet operational but it is now in the design stage. We have the initial feasibility study completed, and I believe there will be follow-on contracts for the systems design. And it does contemplate, it is my understanding, a full-blown sophisticated information service and probably one that will be more expensive than we all anticipate. We have been learning with such frontrunners as the Educational Reference Library with the NASA data bank, that it requires quite an investment, quite a leadtime, and quite a design effort to achieve these capabilities.

The reference service will be a full-blown data bank effort.

Mr. KASTENMEIER. Your point, really, is then that this reference service will perform all the tasks contemplated by the information center contemplated in the bill, plus a lot more, actually, will it not; is that not true?

Mr. SKOLER. Yes.

Mr. KASTENMEIER. As to another point, a training center with a multidisciplinary approach for the improvement of juvenile justice is contemplated by the bill. Do you think that such a training center would be useful?

Mr. JOHNSON. The training efforts, as I understand them, Mr. Chairman, are not centralized; under the bill, of course, they would be centralized and they would be very fractional when we talk in terms of all of those people within the discipline that we would want to reach.

Mr. Skoler can elaborate on those efforts which are now underway. But I think we are faced with a problem which is not one faced by the FBI Academy, because here many, many different aspects of the criminal justice system have some influence on the reduction of juvenile delinquency problems.

We have, as Congressman Mikva pointed out, different levels of knowledge, different types of information that have to be brought to those involved with the problem, from the judge to the social worker. We have approached it on a regional training seminar basis as being the most valuable way to reach the different disciplines.

Mr. KASTENMEIER. Why don't you point out some of them?

Mr. JOHNSON. I have added as an addendum to the testimony a list of those programs which are now underway.

Mr. KASTENMEIER. I am not at this point requesting an elaboration of your present efforts, but only a differentiation between that which is contemplated by the bill and that which you contemplate under LEAA.

Let me ask you, however, further, are the regional training seminars conducted under the Justice Department or under States' efforts in the LEAA program?

Mr. SKOLER. If I may introduce just a preliminary thought. I think largely the motivation for recommending the addition of section 407 to the bill came from the same concerns that Congressman Mikva has expressed. For instance, there are only 50 State correctional system directors in the country and you can't expect an individual State under a block grant to economically or feasibly develop a training program for top command management at this level in the correctional world. We have addressed this dilemma within the current program. But it has been a sort of stretching and twisting of existing legislative authority.

For that reason section 407 addresses the need for national and multistate effort, where national efforts are indicated for courses and workshops where the States are not doing the job and ought not reasonably be expected to do the job. We have advanced this section to permit us to address these problems.

Now as for some of the work we have done already through the medium of a discretionary grant, we have financed the National Council on Crime and Delinquency to conduct a series of probation management institutes. These are national institutes with the same direction contemplated by H.R. 14950's institute, and they address the need for national effort in certain areas. We have done it within the current mechanism as best we could, and we are not now authorized to plan in a more rational manner to meet this kind of need. We have extended discretionary grant support for the new National College

for District Attorneys that is being fashioned by the criminal law section of the American Bar Association in conjunction with the National District Attorneys Association.

I mention this because it indicates that in a particular disciplinary area there may be other models than the FBI Academy model. Judge training, for instance, has been advanced through the National College of State Trial Judges. Five years ago there was no regularized method of training lawyers who were appointed judges without a great deal of judicial or trial experience at the State and local level. There is now a National College of Juvenile Court Judges operated with private foundation support which has grant applications pending with us and which seems to be handling a needed training job for the juvenile court judges.

We have extended some aid to these organizations and section 407 would enable us to undertake a concerted and planned program in this area.

Mr. KASTENMEIER. Thank you.

Two last questions. Do you have or can you obtain for us any cost estimates for realizing the program envisioned by H.R. 14950?

Mr. JOHNSON. With your indulgence, Mr. Chairman, let me try to get that information and submit it for the hearing record.

Mr. MIKVA. Would you yield for one last question?

Mr. KASTENMEIER. Yes.

Mr. MIKVA. Mr. Johnson, as between HEW and Justice, do you or the Department have a view as to which Department ought to have primary responsibility for juvenile delinquency programs?

Mr. JOHNSON. That matter, the matter of primary responsibility, is under advisement now. It is being studied. And, as a result, I am not speaking for the administration. My own view is that there is such a large problem in dealing with juvenile delinquency that there is room for both HEW and Justice to bring their efforts and talents to bear on it. Our programs, as you know, are with respect to the criminal justice system, courts, probation, corrections, and of course HEW has a different spectrum.

I think at this point the best thing to do is to insure that there are lines of communication between the Departments and to insure that the highest level of cooperation and coordination can be achieved.

Mr. MIKVA. Finally, to pursue a line of question that the chairman was asking, do you envision—and I must say that I thought I was familiar with the amendments to LEAA and I thought I understood what we were doing and I have no quarrel with this expansion of the language. But I must say that this is one member of the Judiciary Committee that was not aware that we were going that far, and I would like to have the record cleared.

Do you suggest that in section 407 we are giving LEAA an operational function as a training institute? If the words bother you, you can substitute any word you would like.

Mr. WOODARD. We think the language would permit that. We are not sure whether we would establish an academy; but if we decided to, we would have the authority. I think we would continue to fund the training programs through the States as we have been doing. But the language does say to "develop and support regional and national training programs." So we would have ample authority.

Mr. MIKVA. You see, I read that language as continuing to do what you were doing with a little more specific emphasis on training; that is to fund and provide some stimulus for the States and regions—I recognize there was a regional concept included in there—to set up the institutions or set up the programs and really LEAA would at most have seminar functions, but beyond that it was mainly a funding function.

Mr. WOODARD. That would continue to be the thrust of our activity.

Mr. MIKVA. I thank the gentleman.

I want to make it clear that no one is suggesting that you are not sincere about wanting to do something about juvenile delinquency. I just think that the successful models that we have had in the Federal Government, like the Academy and indeed like NIH and NIMH, indicate that this type of approach may give us a focal point if we are going to get at the problem.

Mr. KASTENMEIER. One last question that I might better understand your position with respect to the bill. Is it your position that the bill is unnecessary or do you think it would be, if enacted, counterproductive to your collective efforts?

Mr. JOHNSON. Unnecessary and possibly counterproductive. And I say counterproductive only with the view in mind that there are at present two Federal Departments working in this area. From a bureaucratic standpoint the new Agency would not have a departmental voice, it would be involved in a field which is already occupied and which is already being pursued at two different levels in the Federal Government, and there is a possibility of overlap and duplicity.

Mr. KASTENMEIER. Thank you, Mr. Johnson, and the Committee also is appreciative of the contributions of your colleagues.

Mr. JOHNSON. Thank you very much, Mr. Chairman.

Mr. KASTENMEIER. We will be grateful to you for your future submissions on the questions we have asked.

Mr. JOHNSON. Thank you very much, Mr. Chairman.

Mr. KASTENMEIER. At this time the Chair would like to call on the Honorable James F. Kelly, Assistant Secretary, Comptroller, Department of Health, Education, and Welfare.

Mr. Kelly, you are most welcome before the committee. Be good enough to identify your colleagues, and proceed in any way you wish.

STATEMENT OF HON. JAMES F. KELLY, ASSISTANT SECRETARY, COMPTROLLER, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY ROBERT J. GEMIGNANI, COMMISSIONER, YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION ADMINISTRATION, AND MARIO F. GEORGE, EDUCATION PROGRAM SPECIALIST, OFFICE OF EDUCATION

Mr. KELLY. Mr. Chairman, thank you very much for having us.

I would like to introduce to the committee, Mr. Gemignani, who is the Commissioner of the Youth Development and Delinquency Prevention Administration, and Mr. George, who is a specialist in this field.

I would like to proceed in whatever way is most convenient to you, Mr. Chairman. I can read the statement or I can summarize it for you.

I do have in addition to the statement, a prepared statement that summarizes all of the activities performed in HEW and the prices associated with them. That might be helpful to getting an overview of our activity.

Secretary Richardson himself would like to have been here because you are talking about a subject matter that he has a deep interest in. As you know, when he was with the Department of Health, Education, and Welfare before as an Assistant Secretary for Legislation, he was instrumental in developing some of the first legislation that we handled in this field. He then served as the U.S. attorney in Massachusetts, and it is hard to serve in that field and not become interested in the problems of juvenile delinquency. At the time he was Lieutenant Governor in Massachusetts, Governor Volpe turned over to him the coordination of the health, education, and welfare. He then served as the State's attorney general and in that capacity, he recommended model legislation in this field. His particular interest in having me represent him here is because we have been longtime associates. He thought I could express to you some of his views, background, and thinking and also how he viewed the problem of organization and the philosophy of organization in HEW.

The other two gentlemen will serve as supportive witnesses; they really know the professional field of juvenile delinquency which I do not.

Mr. KASTENMEIER. I would suggest that you proceed with your statement, although I note that you have already given a good portion of the first page as relates to the Secretary. We will receive additional information or submissions that you might have for the subcommittee's file.

Mr. KELLY. I am pleased to be here today to express the concern of the Department in the problem of juvenile delinquency.

Juvenile delinquency continues to be one of our Nation's major unsolved problems. One out of every nine young people is referred to a juvenile court before the age of 18. And, unfortunately, 48 percent of them return. These two facts indicate how important it is to have a major effort in rehabilitation of youth.

A quote from Secretary Richardson at the time he was attorney general of Massachusetts I think identifies his philosophy in dealing with this problem.

The most promising, and in the long run, the most effective method of dealing with juvenile crime—or for that matter, any crime—is by preventing it, and since prevention of juvenile crime depends upon the amelioration of the conditions which lead young people into conflict with the law, our efforts to prevent juvenile crime must be based upon an ability to recognize the causes of the youth's withdrawal and rebellion and to do something about them.

The ultimate aim of our programs, Mr. Richardson stated, is to develop in our youth a feeling of commitment, so that young people can better discover and recognize themselves as individuals, and to instill this feeling, we should strive to involve them actively in every phase of community life.

The problem of juvenile delinquency bears on all our social institutions and public agencies, including social and legal services, counseling and education, and mental health services, as well as our law enforcement agencies and the juvenile justice system. The Department of Health, Education, and Welfare recognizes that these

services are often best provided as parts of larger efforts which are directed toward the needs and desires of all citizens. Thus a variety of agencies and units within the Department are specifically designed to deal with these crucial problems. These agencies support a diversity of programs and strategies. Central points of intervention cut across all programs, and include education, youth employment, community-based programs and services, courts and corrections, youth involvement, and group services.

I would like to outline the types of activities being carried out by the Department in order to illustrate our view that what is needed is not yet another separate authority in the field but a strengthening of present authorities through better coordination. I will focus my main attention on our training and data collection and dissemination activities, since these are the primary areas of concern in H.R. 14950. However, in order to put these programs in their proper perspective, I shall mention other related activities of the Department which are designed to control and prevent juvenile delinquency.

The Youth Development and Delinquency Prevention Administration is responsible for administering the Juvenile Delinquency Prevention and Control Act of 1968. This was created this year to replace the old Office of Juvenile Delinquency. The activities formerly carried on by the Children's Bureau were assigned to it and it was given additional staff and a higher organizational status within the Department's Social and Rehabilitation Service.

Mr. KASTENMEIER. If I may interrupt you. This reorganization did not require congressional approval or change in the law?

Mr. KELLY. It did not. It is purely an administrative action with the Department.

The first three titles of the Juvenile Delinquency Prevention and Control Act provide support to States and localities and to public and nonprofit private agencies for planning and rehabilitation and prevention activities; for training personnel; for innovative program and treatment models; and for technical assistance.

The training activities are supported under title II of the act. Federal support may be provided in the form of grants or contracts to any Federal, State, or local public or nonprofit private agency or organization. The funds provide for training persons employed in or preparing for employment in fields related to the diagnosis, treatment, or rehabilitation of youth who are delinquent or in danger of becoming delinquent, and for related work with parents of such children.

Projects supported under this title include training for professionals and nonprofessionals from a variety of agencies, including educational, health, law enforcement, parole and probation, juvenile courts, correctional institutions youth employment, social welfare, and recreation.

Other projects funded under this title are for curriculum development. A variety of new materials are being produced, including training manuals, syllabi, and guidelines for designing programs for youth, and reference books and visual aids.

The Youth Development and Delinquency Prevention Administration also collects, evaluates, publishes, and disseminates information and material relating to research and projects conducted under its program, as well as other matters relating to the prevention and control of delinquency. Such information includes the national statistics on juvenile delinquency formerly compiled by the Children's Bureau.

The Rehabilitation Services Administration, also a part of the service, has projects designed to serve the adult and juvenile offender and has also been carried out under the basic support program of the Vocational Rehabilitation Act in cooperation with State and Federal agencies, probation departments, State training schools, and courts. This program varies from the assignment of personnel to correctional institutions to the development of comprehensive vocational rehabilitation units within such institutions. Under this act, grants have also been made for the construction of facilities to provide care and service to child and adult offenders.

Training grants have supported conferences to explore ways whereby personnel from the rehabilitation and corrections fields can work more closely together. Social workers and rehabilitation counselors are being trained in programs supported by these grants. These workers have field training in correctional agencies, thus providing a source of correctional manpower.

Also, in the development of the vocational rehabilitation program, the trend toward closer study of emotional handicaps has led to extension of research and demonstration related to behavioral disorders as reflected in both juvenile and adult offenders. Under the 1968 amendments, the socially and culturally disadvantaged became an eligible group; this will result in focusing more attention on the problem of offenders.

The Office of Education, under the provisions of title I of the Higher Education Act of 1965, has launched programs which focus on the problems of youth, both predelinquency and postdelinquency. These programs include the counseling and training of youths in correctional institutions to rehabilitate them and help them reenter society; training teachers and school guidance personnel to work with youths to help prevent dropouts, which can lead to delinquency; strengthening the role of probation officers, retraining law enforcement personnel, and clarifying juvenile court procedures to cope with the problem of juvenile crime; identifying, counseling, and training culturally disadvantaged out-of-school youths to help them discover their abilities and find useful employment; and helping parents and society to better understand youths and their behavior patterns.

The 1966-67 school year also marked the beginning of a new grant program authorized by the 1966 amendments to title I of the Elementary and Secondary Education Act of 1965. This program has a legislative mandate to provide support for all institutions for delinquent children in the country which are determined eligible under the act.

Under this program, a major effort has been made to rehabilitate institutionalized children and return them to their families and communities with changed concepts about themselves and society. The emphasis in programs has been improved upon, more relevant curriculums designed for the unique needs of the children, better teaching developed, and greater cooperation among institutions, schools, and community fostered.

In recognition of the need for interrelating programs and resources addressed to the solution of the problem of juvenile delinquency, the Bureau of Elementary and Secondary Education initiated activities in the spring of 1969 to coordinate programs and cooperatively fund concerted projects in the Department of Health, Education, and

Welfare. These activities were planned and conducted under the title, "National Educational Programs for Institutionalized Children." Through this effort, an interdepartmental mechanism has begun to coordinate functionally the programs related to juvenile delinquency at the Federal, State, and local levels. Renewed hope and enthusiasm has been generated among specialists who came together for unprecedented unity of purpose and action in a genuinely interdisciplinary approach to the problem. This organization provides for the convergence of available moneys upon target problems for maximum effectiveness. It is designed to eliminate replication. The staff consists of representatives of participating agencies and does not require an additional organization.

Information generated as a result of the first grants has been disseminated widely among participating correctional institutions, 31 State agencies, and appropriate Federal agencies, including Justice, Labor, and HUD.

Two kinds of programs to train educational personnel who work with juvenile delinquents are conducted under the Education Professions Development Act. The first, administered by the Teacher Corps, trains college age youth to work directly with youthful offenders. The second is an effort to develop a national training program for all of those involved in providing educational services in juvenile correctional institutions. It began in 1969 with a planning grant to the University of Georgia.

The national training concept has been expanded to three regional training centers located in North Carolina, Illinois, and Colorado. These centers will, during the current fiscal year, undertake a series of training and retraining activities designed not only to improve the quality of educational services offered in juvenile correctional institutions, but also to prepare personnel from local school districts to which many juvenile offenders will return.

Over the next 5 years, the Bureau of Educational Personnel Development plans to expand this national training concept to reach personnel in all 424 institutions for delinquent children in the country.

The National Institute of Mental Health program in crime and delinquency has a specific mandate to be concerned with the prevention, control, and treatment of deviant behavior—including that of juveniles—defined as mental illness. Such behavior, which is stressful to the individual and often threatening to society, may at times be manifested in law violations. Thus, the Institute's role in the area of crime and delinquency is inextricably related to its role as primarily a research organization dealing with the phenomena of human behavior and especially problem behavior.

The Center for Studies of Crime and Delinquency serves as the Institute's focal point for activities in this area. These activities are directed toward meeting some of the following needs: A better definition and conceptualization of the phenomena of crime and delinquency; development of personnel for research and service programs dealing with these phenomena; and the more effective communication and utilization of research findings.

The Center encourages and supports basic research on the nature and causes of crime and delinquency; the development and better coordination of community resources directed at delinquency prevention and control; the development of innovation and more effective

programs for treating offenders; the development of newer models for training of professional and nonprofessional mental health, correctional, and related personnel; the provision of more effective services and improved facilities for mentally disordered offenders; as well as research into related issues of law and mental health; research in the area of individual violent behavior; and the communication of new knowledge through publications, conferences, and direct consultation with regional, State, and local groups.

The National Institute of Mental Health is also deeply involved in information dissemination. The rapid increase of published material on crime and delinquency throughout the world has necessitated the compilation of bibliographical references to help those involved in research, teaching, law enforcement, and correctional work. The "International Bibliography on Crime and Delinquency" and "Current Projects in the Prevention, Control, and Treatment of Crime and Delinquency," were both developed with the National Institute of Mental Health support. They are now combined as the "Crime and Delinquency Abstracts," and are printed by the U.S. Government Printing Office.

In summary, we believe that the authority now existing in this Department and the Department of Justice is sufficient to carry out the training and other objectives of H.R. 14950. We, therefore, recommend against the passage of this piece of legislation.

We also plan to work more closely with the Department of Justice in determining the types of training to be carried out by each of our authorities and the type of data collection and dissemination which each Department should be involved in. Sufficient coordination of the activities of these two Departments has not yet evolved. However, I would point out that both the omnibus crime bill and the Juvenile Delinquency Prevention and Control Act were passed in July of 1968, and these first 2 years have primarily been ones of planning and gearing up. We feel the mechanisms for coordination of the two programs are now in place and more action should be seen in the near future. This committee, through its interest in the subject, has promoted such coordination.

I assure the committee, on behalf of the Secretary, that we are most concerned with the current status of our programs dealing with the problem of juvenile delinquency. With your assistance, and in cooperation with the Department of Justice, we hope to develop a more effective and forward-looking program for combating this problem.

Mr. KASTENMEIER. Thank you, Mr. Kelly.

A personal question, sir: Your title is Assistant Secretary, Comptroller, and I take it that you are more concerned, your responsibility lies in the field of organizational structure and program management rather than juvenile delinquency per se as a subject.

Mr. KELLY. That is correct. But as a longtime participant, one of the areas of my concern is grant administration. This is the whole area through which we deal with other institutions. The Department of Health, Education, and Welfare has essentially developed a philosophical concept that the way you deal with problems is to create a partnership with the existing institutions that make up the U.S. system, both State, local, educational institutions, the nonprofit research foundations, the various kinds of organizations of professional groups in the private sector itself.

And it is because of this background that we are concerned with the approach which is taken in this bill to the solution of a problem.

I think, as Mr. Mikva said to the prior witness, everybody agrees that the problem exists, and everybody agrees that we have not yet reached the utopia where we have solutions to the problem. And I think everybody will agree that there are no pat answers, so that in trying to find answers, you explore mechanisms. The mechanisms which HEW has relied upon and had a great deal of success with, but certainly not total success, is rather than create new institutions run by the Federal Government for the purposes of solving problems, we have placed our maximum reliance in the support, the undermining, the encouragement and improvement of existing institutions. So that while we would certainly agree with the sponsors of this legislation that increased training and improving the quality of training are desirable objectives, we would ask that the committee explore alternative ways of achieving this. The one which we are inclined to recommend to you as having been a model of proven success is to utilize existing institutions, to strengthen and improve them. It is more economical and I believe that in the long run, it is a more flexible and productive arrangement for achieving the same objectives.

Mr. KASTENMEIER. I notice that under title II of the Juvenile Delinquency Prevention Control Act, you are supporting projects dealing with law enforcement, parole and probation, juvenile courts, correctional institutions. Doesn't this, on the surface, suggest a great overlap with the Department of Justice in the same area, particularly with respect to law enforcement, juvenile courts, and correction institutions?

Mr. KELLY. You may recall that the original legislative authority, other than the broad basic legislative authority of all our programs, was a juvenile delinquency act program. It was a program that was administered jointly by the Department of Health, Education, and Welfare and the Department of Justice, and included a President's committee, although the basic responsibility was vested in the Secretary of Health, Education, and Welfare.

And then in 1968, you enacted both the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act. And in doing so, you opened the possibility of overlap and duplication. I think that during the last 2 years of trying to get the two programs started—and I should add that the program in HEW under this authority did not get underway until the fiscal year 1970, we spent only \$5 million under that authority and that was spent much toward the latter part of the year.

The new Commissioner, Mr. Gemignani, has just come on board to take this over.

Although the last 2 years have been spent in sorting out these responsibilities, it seems to me that there are several problems that you have to look at, Mr. Chairman. One is the possibility that you will have overlap and conflict, that you will really be competing and both trying to do the same job and that this isn't going to be very profitable to a nation. I think you have the alternative problem that both agencies will be so fearful that there will be overlap and competition and conflict that they create their programs with a very wide gap in the middle, each leaving it for the other one to do. You haven't done a great service and you may be leaving out the most important part.

Secretary Richardson asked me to describe to you his feeling that by developing a more formal mechanism to assure that there is integrated planning and by assuring that the two organizations recognize the contribution that each can make, you will not have either the undesirable overlap nor will you have the undesirable gap. He thinks that progress has been made in coordinating Justice and HEW; that there is less of a feeling of conflict and competition. However, we have not obtained a point where there is a sufficiently formal mechanism that almost all of the coordination is occurring on a staff-to-staff relationship rather than on the basis of the managers at the Departmental level.

As you know, Mr. Mitchell and Mr. Finch did identify the need for the two to work together, did issue a letter soliciting support and cooperation toward this end.

Secretary Richardson is hopeful that in his relationship with the Attorney General, he will now follow up and implement that with a somewhat more formal mechanism. He also hopes to have a somewhat more formal mechanism within HEW coordinating the many activities that it is carrying on.

Mr. KASTENMEIER. I wasn't taking issue with you on it. I assume that each of those particular projects was expressly authorized in the authorization?

Mr. KELLY. It is.

Mr. KASTENMEIER. My question, really, is as to the overlap. Your Department would be in a position, I suppose, of assessing, if not criticizing, another Department's activities. And maybe you should be doing this; I don't know. But at least there would be room for this in some of the projects, particularly as to correctional institutions, law enforcement, and probation, juvenile courts.

Mr. GEMIGNANI. It is unfortunate that we look at the overlap and not really at some of the differences between the two Departments. I think it is essentially our approach to the problem that differs from Justice's and Justice's approach to the problem that differs from ours.

If you look at the grants that were given out in 1970 in title II, for instance, you find a very few grants from HEW were in the area of police, courts, and correctional institutions. Many of them are in educational institutions; many of them were local grants to groups that are conducting training under community levels, community based training in terms of youth groups, and one major grant, for instance, with court volunteer programs out of Boulder, Colo.

So I think that there really is not as much overlap as one sees when he looks at it on paper, because I think that we are beginning to see where both fit into this national strategy for delinquency and we are a participating partnership in it.

Mr. KASTENMEIER. Thank you.

The gentleman from Pennsylvania, Mr. Biester.

Mr. BIESTER. What is the status of the National Institute of Mental Health project on information accumulation?

Mr. KELLY. It is a continuing program. It is fully operational. It actually got its beginning as early as 1951, but became a formalized program in 1962 and has been operating ever since and continues to operate and is considered to be an effective instrument for achieving this purpose.

Mr. BIESTER. How about dissemination from it? Is that dissemination on an organized basis out to specific people or is it simply an ad hoc basis?

Mr. KELLY. To my knowledge, it is, but I would like to add into the record specifically how they go about doing it.

Mr. BIESTER. How would one go about formalizing and integrating the work of the two departments with respect to a problem such as this?

Mr. KELLY. On the dissemination area?

Mr. BIESTER. No, I am really talking about the whole problem of juvenile delinquency. How does one go about formalizing the difference between the two department efforts?

Mr. KELLY. I think it is hard to answer that question, Mr. Biester. But let me say I think the coordinating efforts cannot be a single mechanism. You know how easy it is to set up a very formalized mechanism in which a lot of uninformed people sit around a table and leave with the feeling that they have served their purpose.

If you really want to bring effective coordination to their work, you have to bring informed people. Informed people will be different groups of people on different kinds of problems.

If you can get a high level group that does not try to solve problems but endeavors to identify them and see that the effort is taken, this will bring about coordination.

Now Secretary Richardson has a view that the word "coordination" is much too frequently used as sort of a placid term and that one of the roles of a coordinator is an entrepreneurial role. His job is not to say that he is in charge of it, but to be a catalyst, to try to get things moving.

If you were working in the area of how do you prevent first offenses in juvenile delinquency, then it would certainly seem to us that the Department of Health, Education, and Welfare should take the entrepreneurial role. Here you are dealing with a problem of how do you strengthen the family; how do you utilize effectively your whole educational structure; how do you develop counseling into this system; how do you use other social services; how do you use the rich resources of the National Institute of Mental Health and how would you expect the Department of Health, Education, and Welfare to be the one which is laying the emphasis and pressing on this point. As soon as you deal with a person who has an offense that is sufficiently serious that it has actually come before the courts, then you would expect the Department of Justice to have this lead role and to recognize that there are some rich resources within the Department of Health, Education, and Welfare that can aid and assist them. Just in sheer mechanics, they identified this in working with us when they created their new program, the LEAA. They came over and availed themselves of all of the systems that we used to select grantees, to make terms and conditions; they actually are using our audit agencies to conduct audits for them so that there is a recognition that our agencies have a contribution to make.

There is a skill involved in creating coordinating mechanisms that keeps programs moving and keeps them moving in the right direction rather than to prevent their stepping on other peoples preserves.

The Secretary's attitude toward this coordination is not so much a concern about intruding in somebody else's preserves but how do you really make a more effective attack on the problem.

Mr. BIESTER. I agree with you that it is a difficult thing to set up. It is a difficult operation to set up. But it seems to me that unless there is some mechanism by which a set of efforts is coordinated that we run the grave risk that there will not be an effective coordination.

If one assumes that an entrepreneurial role is essential in one of the given areas and that entrepreneurial role may be one instance in Justice and one instance in HEW, then if one extrapolates from that concept, ought there not to be an entrepreneurial role on the part of somebody who has primary responsibility in this problem area?

Mr. KELLY. You know there are models that would support your position and there are models that wouldn't. And I would hate to make it sound like I believe or that HEW's institutional position is to believe that there is one solution where you can be for this and against that. There are just multiple alternatives. I think it is worthy, though, of thinking in terms of some of the broader concepts of organization. It is very difficult to arrive at any satisfactory organizational pattern. Whoever has a problem that they would like to focus on thinks that is the way you ought to organize. And by and large it is going to be at the expense of a whole lot of other areas.

Now the organizational arrangement which seems to have attracted the highest quality of people to work together in conjunction one with the other is one which puts disciplines together; that if you put all the doctors together they work better and they are more productive and if you put all the biological science researchers together they work better together than if you put the problem of trying to put them together in terms of their total social environment and then mixed up all the disciplines. There are others that will argue that this is not the best way.

But as soon as you put people together by discipline you have to find some way of dealing with problems. You have to find some way that coordinates these multiple disciplines.

So that the Secretary's view is that, one, the kind of formalization between Justice and HEW is desirable; and, two, that the kind of formalization that he wants within HEW is desirable. In effect, the establishment of the Administration on Youth Offenses and Juvenile Delinquency is HEW's answer to this question. We are saying that education should perform the educational role, should be responsive, and should work with the total educational community. But, somebody should needle them to do that as it relates to juvenile delinquency and then you can say the same thing about the health field and research field.

For this reason, we put together a package, like this one that I showed you, of all of the activities to show that in one place, you can look not at what organizations do but what HEW does on some functions. We put a paper together on aging and juvenile delinquency, on mental retardation and other problem areas. We are dealing with juvenile delinquency on that concept; that it is pervasive, that it is all through the organization. We have one organization whose job it is to be the catalyst and collector in the area and that we have a regularized procedure of pulling together everything we do and looking a step farther down the road that crosses all of the channels. It lacks

some degree of perfection in doing it that way, but on the other hand, we believe that it is probably more perfect than if we turned the organization around and made it all a problem oriented structure.

Now, the other piece of the problem of setting up the formalized mechanism, that is an organization, is that you have to guard against creating an atmosphere that makes people think you preempted the field. If it is clear that the educational community has a concern with respect to juvenile delinquency, that mental health has a concern with respect to health, and that people have a concern with respect to it, the rehabilitation people collectively, we believe, will do more to attack that problem than if it appeared that we created an organizational entity that preempted it and that was the total responsibility. Because you will never get the resources that are going to be as pervasive as when you utilize all of the institutions of your society to address themselves to a problem.

Mr. BIESTER. I think your last point is a problem; it is a serious problem. I think perhaps an analogy lies in the training of the doctor. The doctor is trained in anatomy; he is trained in the problems of specific diseases. But he can't expect a patient to come in and say, "I have a kidney problem." The patient comes in and says, "I have a pain in my back." He can't expect a patient to come in and say, "I have a disc problem." "I have a pain inside my leg."

It seems to me society runs the risk if it simply structures its approach to these problems in terms of definitive separate disciplines. Because certain constituencies are built up in the course of those disciplines and you run the risk of not taking advantage of some very obvious inclusions that are simply not within the scope of that particular discipline.

Mr. KELLY. I think that point is well taken, because in this paper we identify about \$40 million of activities in juvenile delinquency. But in essence we are really talking about juvenile delinquency, that you can price it and manage it.

I wouldn't be a bit surprised that part of our expense is to take the total value of our support in student counseling in elementary and secondary education, but you can't really pinpoint it.

Mr. BIESTER. It is like the drug problem. Certainly law enforcement people look at the drug problem very differently, unfortunately, than the people who deal in the medical aspects of it. I don't want to intrude more on the other members' time.

Mr. KASTENMEIER. Thank you.

The gentleman from Illinois.

Mr. MIKVA. I have just one question. In 1965, the task force on juvenile delinquency and youth crime of the President's Crime Commission made a pretty extensive survey. They point out that of 21,000 employed in state juvenile facilities in that year, less than 1,200 have professional training.

Do you have any idea what the current statistics are?

Mr. KELLY. I would have to get them. But I wouldn't be surprised if they are not vastly different. But I would like to comment on it in this way, if I could: I think that the issue of how many people need training and how much of the national resources we are willing to invest in that is a different question than the question as to what is the best organizational mechanism for doing it. The authority exists now to conduct this training. And the number of people trained will

be a product of how much money we invest into this area to change the mechanism by which we train them from a grant and contract support arrangement with existing institutions to creating a national institute.

Mr. MIKVA. Like NIH?

Mr. KELLY. No, NIH is not an institution in the nature of a direct operation. The National Institute of Health spends \$1,300 million a year, and only 10 percent of that constitutes a direct operation of its own laboratories and its own research and the administration of research grants and all of the rest of the money is involved in the basic philosophy that it is strengthening existing institutions.

Mr. MIKVA. But 10 percent of it goes into what is acknowledged as one of the best training institutions not only in the country but perhaps in the world; isn't that true? And it has been a fantastic success, wouldn't you agree?

Mr. KELLY. I think it is marvelous. That would come up to 3 percent of the amount which is involved in training which is quite proper.

Mr. MIKVA. I am not talking about what is a proper average, but I am saying that that concept has been uniquely successful, I think, in getting out the number of trained personnel in the health field.

Mr. KELLY. I think its great success is that this has supported training rather than conducted training. A very small number of the people trained through the fund are directly trained by the U.S. Government.

Mr. MIKVA. The FBI Academy trains about 200 people a year. But you ought to see who those 200 people are. And I think that is sort of true of NIH too.

Mr. KELLY. But to really make a pervasive attack on the number of untrained people there, I think that you are more likely to achieve it by putting the resources into improving and strengthening the training capability of the existing institutions than by trying to create a new directly operated institute.

Mr. MIKVA. I have no further questions.

Mr. KASTENMEIER. Thank you very much, Mr. Kelly, for your contributions this morning, that of your own and of your associates. We appreciate your being here.

Let me ask you one other question, Mr. Kelly: Do you have an assessment or estimate of what the bill before us, H.R. 14950, what the cost would entail?

Mr. KELLY. I heard you ask the last witness that question. I would surely like to be responsive to the committee and provide the data they want, but I really believe the proper answer to the question is that it wouldn't cost anything. If you are going to spend money for training, this is a method of doing it. If you decided to spend a million dollars, you would spend it through this mechanism, but you could achieve the same objective by existing authority. So, I don't believe you are creating a cost; you are creating a different method of administering a cost.

Mr. KASTENMEIER. Thank you, Mr. Kelly.

Now the chair is pleased to invite to the witness table Mr. Hugh Reed, Director, Field Services, National Council on Crime and Delinquency. Mr. Reed, you are most welcome. I note that you have a rather short statement and, of course, you are invited to present it.

**STATEMENT OF HUGH REED, DIRECTOR, FIELD SERVICES,
NATIONAL COUNCIL ON CRIME AND DELINQUENCY**

Mr. REED. My name is Hugh Reed. I am the Director of Field Services and Citizen Action Programs of the National Council on Crime and Delinquency.

I would like to tell you something about the National Council on Crime and Delinquency. Since 1907 we have been associated with juvenile courts, juvenile probation, juvenile correction, juvenile prevention. In recent years, we have worked with and have some knowledge in the governmental agencies affected by this bill.

For instance, a year ago LEAA wanted an outside opinion, so we were asked to evaluate the correction and citizen involvement components of the 1969 State plans. As a result of this we became very aware that much training activity was being funded by them, and we sent our report. As a result, we spent quite a bit of time in our report on the areas of training still needing attention.

With HEW, we have had relationships for many years, formerly with the Children's Bureau, now with the Office of Youth Development and Delinquency Prevention.

A few months ago we helped them develop proposals for funding from the model cities areas. As a result of that we became acquainted with at least nine of these training projects.

Primarily, however, I am here because ex-Governor Terry Sanford couldn't be here. We are governed and supported by the private citizenry. We have citizen action councils in 20 States and a national affairs committee of the board which is concerned with the Federal Establishment. Governor Sanford is the chairman of the latter, but he is in Europe so you find me here pinch-hitting for him.

We appreciate the opportunity to comment on H.R. 14950, a bill to create an Institute for Continuing Studies on Juvenile Justice.

In substance, the bill before you proposes to develop a coordinating center for the collection of useful information on the prevention of delinquency, and the control and treatment of juvenile offenders, and to provide training for personnel in these programs.

Millions of dollars are currently being invested around the country through HEW and LEAA in a network of training programs being built at the State level and in universities and colleges. Some of this is relatively old; some of it is still in the process of being built.

Now, to insure maximum effectiveness of the funds that are now being invested in training programs, principally by HEW and LEAA, we are convinced that a Federal program something like the measure before you is needed. I don't think this is like saying that one is in favor of motherhood, because we really sincerely believe that there are program elements still needed to produce a quality educational product. Some kind of mechanism is needed to pool together information, provide guidance and technical assistance to these various activities throughout the country, package information into usable forms so that there is an input of good teaching method and content. Finally, on-the-spot technical assistance is needed to insure use of information. I don't have complete confidence that the printed word alone will achieve much.

We believe that, as a first step, training programs being developed around the country can be brought up as close to the level of the best

now available. There are good training programs, but we also see examples of bad training.

In addition, we think that the Federal Government should do more than collect, evaluate, and disseminate information on what other people are doing.

Government should also be an initiator, perhaps through contract. A laboratory might be helpful; that is, a Government-sponsored or operated activity to conceive, develop, and test new training methods and materials.

Unless this kind of leadership is developed, much of the money now going into training can result in hackneyed programs. Examples: a situation wherein you have a parole staff that really needs 4 years of college or 4 years of some kind of training, but instead they are getting a week orientation program. This is not going to make any difference at all in their performance.

I remember one State—one with a basic money problem. It had a guard turnover problem. They did not have the money to hire more guards or to give them a shorter workday but they could get money for some training. Training will not make any difference; they are still going to have a turnover problem.

Finally, there are still college faculty members that are not aware that there is such a thing as an inmate culture and that you have to take it into account if you are training people for today's world.

The information bank envisioned in this bill should cover both adult crime and juvenile delinquency programs and be a resource to a number of Federal agencies. It ought to be located in one of the two key organizations, HEW or LEAA.

I may be out of order, I don't know.

We would hope that the hearings on this bill could result in the centralization or at least better coordination of all of the delinquency activities in HEW. In this regard, my concern relates to the emphasis that this would give to delinquency in HEW. The institute bill makes it clear that you attach great importance to the subject and I guess I am saying that centralization of HEW delinquency activities would make for a more effective thrust.

Finally, as a private agency we, of course, would feel that, if the bill before you were to be passed, it should authorize contracts with private organizations or lower level Government agencies.

I would like to try and answer any questions you may have.

Mr. KASTENMEIER. Thank you, Mr. Reed.

You testify in behalf of the bill. Have you had an opportunity to read the bill? Do you feel there are generally any additions or amendments to the bill that you would like to see if you had your choice?

Mr. REED. I am not sure I am testifying in behalf of the bill. I am supporting any effort, such as is made in this bill, to fill gaps in training programs in the delinquency field. It proposes one way of doing that. There is a need for a Federal leadership to insure the protection of an investment already being made in training.

I do have questions about it being done by an independent governmental agency. But if the same program were in an existing agency, I would feel different about it. Within an existing relevant agency the training activity could be centralized under a structure such as is proposed in this bill. From Mr. Skoler's comments it appears that LEAA is moving in this direction.

Mr. KASTENMEIER. Let me ask you one rather general question, and I hope you can give a rather concise answer to it, although it might be difficult: What do you believe or what does your council believe really causes crime and juvenile delinquency, particularly in recognition of the rising statistics in the face of a society that should have greater abundance to share with its citizens and greater education for younger people today? Why should there be such a dramatic rise in the incidence of juvenile delinquency in your view or that of your council?

Mr. REED. I think I know enough to not really attempt to answer that, except to make a few comments. Because, I am sure, you know as well as I do that causation is a multifaceted thing.

However, it is a pertinent question and I will give you some factors that appear to be universal. For instance, delinquency is a problem all over the world. It is a problem, particularly in the affluent countries. All over the world there is one thing happening that is happening here; that is urbanization. And cities are not ready to handle what is happening in the cities. They didn't expect it or don't have the resources to handle it.

The other big thing that is happening all over the world and I wouldn't attempt to trace the etiology of it—is youth, women, and practically everyone else is in dissent.

Mr. KASTENMEIER. The reason I ask is as a predicate for the query: Are we really going to be able to meet the problem or to ameliorate the problem by all the measures we passed in the Congress in the past few years or this year or the next? There does seem to be a sort of fatalistic view that notwithstanding all of these efforts the rate will rise and that really our efforts do not seem to be achieving a great deal. I am talking about collective governmental and voluntary agency efforts to ameliorate the problem, or at least the cause of the problem.

Mr. REED. I am not fatalistic about it. It is an awful—a problem that continues to get bigger.

I think there are some very hopeful signs, too. Maybe it had to get as big as it is to get everybody's attention. It did get big. It has everybody's attention now. I think it has reached the point to where we will stop giving lipservice to citizen involvement and youth participation. They want to help now, they are needed, and they can help. I think this potential force is beginning to mean a great deal.

For instance, Time reported on what is happening in South Chicago—it is very hopeful and responsive to our needs. The responsible majority in South Chicago have decided that it is their responsibility to do something about the crime that is engulfing them. This kind of thing is beginning to happen in a lot of places.

The problem is bad but I think the resources to do something about it are now being provided; not the least, of which is the response of private citizens.

I would be less than honest if I did not say that I and many of our staff only recently began to understand that youth really has a role; that youth can do something; that youth can make decisions; and that youth can play a strong role in controlling the problem. This is coming and I think it is very important.

Today we are moving toward a belief in the human personality; that it is capable of almost limitless change if we will support that potential.

Mr. KASTENMEIER. Thank you, Mr. Reed.

I yield to my colleague.

Mr. MIKVA. I want to commend you for your testimony. I think, while the bill specifically calls for an independent agency, that your own views that it ought to be in one of the other existing agencies is certainly a very respectable view and one that the sponsors of the bill wrestled with.

We hope that we share with you the belief that what is needed is this focal point and to make sure that the training and the expenditure of the funds for training have a meaning and a purpose that right now, frankly, we don't see.

I just scanned quickly the examples that LEAA cited of how they have been spending their money. They spent \$8,000 for a 5-day workshop for juvenile delinquency institution staff for States throughout the country. I have been in juvenile institutions throughout the country enough to know that 5 days is not even enough to identify what the lacks are, let alone to start exchanging information. I guess what bothers me even more is they spent \$30,000 for the annual meeting of the Council of Juvenile Court Judges in June. I am for the juvenile court judges getting together and hearing problems, but it must not stop there. I happened to read the newspaper record of some of those proceedings. They cited this urbanization and that it led to alienation. People used that kind of advice, coupled with other similar advice without realizing how difficult it is, and the park district with all the good intentions in the world set up a rock concert and they knew that the police role was a very difficult one so they put 18 policemen out for 50,000 kids and one of the acts didn't show up on time and didn't report on time and anyone who has seen television knows the results of that. This is an example of how money spent with the best intention and best of good will ends up being counterproductive.

We know that we need to allocate more resources for this fight, but do you agree with us, with the sponsors of the bill, that irrespective of the allocation we must have a more centralized means of distributing these moneys and putting them into productive use?

Again, forgetting about whether it is in HEW or Justice or an independent body.

Mr. REED. I guess what I am hesitating about is the new information I listened to this morning on LEAA's training expansion plans. I do feel that the measures proposed in this bill are addressed to real problems and that the solutions must meet the problems. They would give training the emphasis it warrants and fill gaps in our overall approach training.

Mr. MIKVA. I thank you, sir; and again commend you for your testimony.

I have no further questions.

Mr. KASTENMEIER. The gentleman from Pennsylvania.

Mr. BIESTER. I think that the comments of the gentleman from Illinois brings to mind the problems that juvenile court judges do face. And I think that perhaps if we looked at it from the standpoint of the problem that a conscientious judge faces that perhaps it helps us to see this problem in its totality and why there has to be some central focus for getting something done. A judge who holds a juvenile hearing holds it first of all in his chambers because the juvenile is

entitled to anonymity in view of his age. That means that the community is never really quite aware of the dimension of the problem, unless they are individual victims of the crime itself. So the first problem a judge has is that very few people really know about the dimension of the job.

Second is the judge can hear recommendations from persons who have worked on the case, but remember that a lot of those recommendations and their quality depends upon the quality of the person who is offering the recommendation, and the judge is not, at least to begin his work, an expert in all aspects of juvenile or child psychology. But even given a high quality of recommendation, the judge then is limited in his options because there aren't institutions available, there aren't programs available, there aren't mechanisms available through which he can then conscientiously distribute the various offenders or young people to a treatment center or to a mechanism of treatment that is consistent with the recommendation that he has had.

His choices are very limited because the system has been so brutal about the way it has treated juvenile offenders. So after the first several years of dealing with this kind of problem he tends to not throw up his hands in despair but certainly to begin to despair of any kind of coherent generalized societal understanding of the problem and addressing of that society to organized channels in dealing with it. He begins to feel that he is the only one who is really trying to deal with it and he can't because he can make a decision and pursue a recommendation, but it all winds up at a dead end and he knows it.

So it does not surprise me that the courts are trying to involve the community in a better understanding of these problems, because they tend to feel that the only people who see it in its totality are they themselves and they feel impotent because of the very narrow options opened to them in reality. There are lots of theoretical options open to them. There are lots of things they would like to do, but those options are really not available under the circumstances.

That is the only addendum that I would like to place on my colleague's observation.

MR. REED. I might add one piece of information, that documents something that we have assumed for a long time.

As part of the Violence Commission's work they retained Marvin Wolfgang of Philadelphia to do a study of repeated offenders. He followed 10,000 children born in 1945. He found that one out of three of those kids did make the juvenile court before he passed beyond the juvenile court age, but only 6 percent of them became repeaters. The others—9,400—either through spontaneous recovery or perhaps because of intelligent handling by the system, did not become repeaters. I think the point is that most of the kids that the police pick up and bring to court are not hopeless. We are talking about 600 people, as a manageable number. It is so easy to look at the whole delinquency and crime problem and become completely frustrated and immobile. But if you start breaking it down, there are things that can be done.

MR. BEISTER. I appreciate the witness' comments and his testimony here today.

MR. KASTENMEIER. The committee thanks you, Mr. Reed, for your testimony.

MR. REED. My pleasure, Mr. Chairman.

Mr. KASTENMEIER. That concludes the testimony on the bill, H.R. 14950 and related measures. The subcommittee stands adjourned. (Whereupon, at 12:15 p.m., the subcommittee adjourned.)

STATEMENT OF HON. JOHN B. ANDERSON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF ILLINOIS, JULY 30, 1970

Mr. Chairman, it is a privilege for me to appear before you and your distinguished Subcommittee today. As a co-sponsor of one of the identical bills to establish an Institute for Continuing Studies of Juvenile Justice, I want to express to you my appreciation for holding these hearings and confidence that you will move expeditiously on this legislation to better equip our state and local agencies in their efforts to combat and control juvenile crime.

Mr. Chairman, I need not remind this Subcommittee of the alarming spread of juvenile crime in all categories during recent years. Previous witnesses have fully apprised you of these statistics, and I must say that my colleague from Illinois, Congressman Railsback—the principle sponsor of this legislation—did a most thorough and commendable job of outlining the basic dimensions of juvenile crime in his testimony last week. However, a number of essential facts bear repeating.

First, almost one-half of those arrested in 1968 for criminal offenses were under the age 18. The report of the National Commission on the Causes and Prevention of Violence quite explicitly states: "Urban arrest rates for homicide are much higher among the (juvenile) age group than among any other; for rape, robbery and aggravated assault, arrests in the 15-24 age group far outstrip those of any other group." So when we are speaking of juvenile crime we are referring to a major portion of the general crime problem, and in particular, to much of the growing menace of street crime—assault, robbery, rape—which has so aroused and alarmed the American people.

Second, not only is juvenile crime already extensive, but it is growing at a truly ominous rate. Between 1958 and 1964, the rate of juvenile arrests for homicide increased 64%, for aggravated assault 111%, and for other assault 62%. During an eight-year period ending in 1968, the over-all rate of juvenile arrests for serious crime rose by 78%. Still more alarming is the fact that crime among early teenagers is increasing even more precipitously. The Eisenhower Commission reports that between 1957 and 1968 the 10-14 age group experienced an increase in arrests for assault of 300% and an increase of 200% for robbery. I find these figures staggering. Perhaps better than anything else, they point to the urgent need for greatly expanded and more effective efforts in this field.

Third, juvenile crime not only imposes heavy costs on society now, but pretends even greater costs in the future. Recidivism and the adult criminal patterns that often result from juvenile crime lie at the very heart of this problem, yet we appear to be falling behind in our attempts to find solutions to them. One study by the Justice Department found that 72% of youths once arrested were rearrested within five years. Another study, which spanned much of the life-time of a sample of youths arrested for juvenile crime in Cook County in my own state of Illinois, showed that fully 60% of these youthful offenders were rearrested as adults. Moreover, a large portion of the individuals in this sample were found to be habitual criminals; as adults they were arrested on an average of 4.4 times for serious crimes. These figures, I think, are indicative of the great distance we have to move in fashioning a juvenile justice system capable of effectively rehabilitating and redirecting deviant youth back into the mainstream of society.

Mr. Chairman, I do not think we should pretend that the legislation before this subcommittee will resolve the entire chain of complex problems associated with juvenile crime. But it does promise to make a start on two important fronts.

The first is in the area of comprehensive and centralized data collection and processing. We have five federal departments with almost a dozen specific programs, as well as a plethora of state and local agencies and programs operating in the field of juvenile crime and justice; but we have no central means of collecting, processing and disbursing the information, data and experience that results from these diverse activities. This legislation would remedy that glaring deficiency by establishing a national "information bank" charged with the responsibility for gathering, publishing and disseminating information relevant to the problem of juvenile delinquency. The beneficial results of such a national data bank need

little elaboration. Obviously, increased knowledge and awareness of each others' activities would bring a higher level of cooperation and coordination between often isolated and fragmented agencies and programs. Also, new techniques, procedures, methods and programs successfully introduced in one area could be more readily brought to the attention of groups elsewhere. And most important, more complete and systematized data and statistics would aid immensely in the search for a more sophisticated and comprehensive explanation of the causes of juvenile crime and deviancy. At present we have plenty of theories and conjectures, but we simply have no adequate explanations. Yet if we are to devise truly effective programs and measures to combat juvenile crime this is precisely what we must have.

The second, and perhaps more important, area in which the proposed Institute for Continuing Studies of Juvenile Justice will make a contribution is in the training of local and state personnel for more effective roles in the juvenile justice system. This legislation provides that the Institute shall conduct training programs of short-term instruction modeled after the highly successful FBI Academy. It would also conduct regional workshops and seminars and develop technical training teams to aid state and local groups in setting up their own training programs. All of these activities would be open to the whole range of individuals involved in the juvenile justice system, including local law enforcement officials, judicial personnel, welfare officials, probation officers and others connected with the treatment of juvenile offenders.

There are, no doubt, many solid reasons for the kind of personnel training and upgrading envisioned in this act. However, I would like to underscore one in particular. This is the growing trend toward more precise definition of both individual rights and responsibilities and the procedures and due processes of our law enforcement, judicial and correctional institutions. And this process will not leave the juvenile justice system unaffected. As Congressman Railsback has pointed out, currently only five states have complete juvenile justice systems; less than one-half of the states afford the right to trial by jury; and many others do not even have specialized juvenile judges. But as he also points out, all of this is rapidly changing. In the near future it is likely that most states will move toward a full system of juvenile courts and a more formalized, professionalized and effective system of complimentary institutions and personnel. This development will put an enormous strain on the supply of competent manpower, and thus will make all the more necessary the kinds of training activities proposed in this legislation.

Let me conclude, Mr. Chairman, by saying it is my hope that this Subcommittee will give this legislation the most careful and thorough consideration. If we are to root out a problem so stubborn and complex as juvenile delinquency, we must bring to bear upon it as much information, specialized training and concerted scientific analysis as we can muster. I believe the proposed Institute for Continuing Studies of Juvenile Justice can be the vehicle for such an effort, and therefore urge your favorable consideration of these bills.

STATEMENT OF HON. FRANK ANNUNZIO, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF ILLINOIS, IN SUPPORT OF H.R. 15124, JULY 23, 1970

Mr. Chairman, I am pleased to have been given this opportunity today to express my support for H.R. 15124, a bill I cosponsored that would authorize the creation of the Institute for Continuing Studies of Juvenile Justice. First of all, I wish to commend Mr. Kastenmeier for his wise judgment in scheduling hearings at this time on this most important matter. The Chairman and the Committee are obviously aware of, and concerned with, the existing problem of the high incidence of crime being committed by juveniles and the problems involved in dealing with these young offenders.

This Subcommittee is to be commended for putting the wheels in motion that will hopefully lead to the establishment of an institute which will provide a center for the compilation of information concerning the treatment and control of juvenile offenders and also offer training for individuals who deal with these problems.

We are all cognizant of the severity of the high crime rate in general, but how many of us are aware of the scope of the juvenile crime problem? A reduction in juvenile delinquency and youth crime would amount to a substantial decrease in our overall crime rate. It is difficult to determine the number of offenses reported to the police that were committed by juveniles, but it is known that this

group does comprise a disproportionate number of arrests. The President's Commission on the Causes and Prevention of Violence recently released distressing statistics showing that the urban arrest rates for homicide are much higher among the 18-24 age group and that the 15-24 age group has an arrest record far above any other group for crimes such as rape, robbery, and aggravated assault. But this is not the full extent of the problem. Our rehabilitative efforts are obviously ineffective, for statistics have shown that the rearrest record for juvenile offenders released from the Federal criminal justice system is alarmingly high.

New ideas are needed and new approaches must be tried in dealing with our youth in an attempt to halt the increasing crime rate and improve the rehabilitative process. This bill H.R. 15124, seeks to bring about innovative thinking and action in the area of juvenile justice by setting up the Institute for Continuing Studies of Juvenile Justice.

The Institute, under the direction of an appointee of the President, would be authorized to serve main functions. The Institute would be responsible for the collection of information from all sources regarding juvenile delinquency. It would also be responsible for publishing this data in useful forms and seeing that it is distributed to interested persons. Seminars and workshops would be conducted by the Institute as well as short-term training classes for law enforcement officers, juvenile welfare workers, juvenile judges, probation officers, correctional personnel and other persons dealing with the treatment and control of juvenile offenders. Finally the Institute would be expected to send training teams to work with personnel at the State and local levels.

An Advisory Commission would set policy and supervise the operations of the Institute. This 19-man commission would be made up of persons directly concerned with, and working in areas dealing with the problems of juvenile delinquency appointed by the President, plus the Director of the Institute, the Attorney General (or designee), the Director of the U.S. Judicial Court (or designee), the Secretary of Health, Education, and Welfare (or designee), and the Director of the National Institute of Mental Health (or designee).

The establishment of this Institute would do much more than merely further the study of juvenile delinquency. It would provide a single location where all of the information available on juvenile delinquency as well as information concerning correctional and rehabilitative efforts in dealing with youthful offenders could be collected, compiled and distributed. The Institute would further provide training and a continuing education for persons working with the problems of juvenile delinquency at the State and local level.

I'm sure that you will all agree that there is a great need for not only more and better information in this area but also for better trained personnel dealing with the problems of delinquency. Only through better informed and trained officers and workers will the youthful offenders receive the sympathetic type of guidance and counseling that can best deal with each person as an individual and work out solutions best suited to that person.

Through this type of action we will not only be protecting society, but saving potential delinquents and helping to prevent future offenses and rearrests.

I believe, very strongly, that the creation of the Institute for the Continuing Studies of Juvenile Justice would play an integral part in solving the manifold problems of juvenile delinquency and our juvenile justice system.

STATEMENT OF HON. J. HERBERT BURKE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF FLORIDA, JULY 30, 1970

Mr. Chairman, I welcome this opportunity to testify in support of H.R. 15124, which I am privileged to have co-sponsored, and in support also of the other similar legislative proposals before this Committee which would create a national Institute for the Continuing Studies of Juvenile Justice.

The future of our country, as we know, lies with our youth because it is they who will be the future leaders of this nation. The tragedy today, however, lies in the cold statistics which show that crimes committed by juveniles have more than doubled during the past years, and that 15-year olds commit more serious crimes than do persons of any other age group. What a tragedy this is. What a waste it is in youthful energy.

There was a time when it was the young male from the slums of one of our 25 largest cities which held the "spotlight" as the young lawbreaker. However, this is no longer true because although crime rates have increased at approximately

the same level in the suburbs as in urban areas, the percentage of juveniles now charged with serious crimes is higher in the suburban areas. What is even more disturbing, however, is the marked increase in crimes committed by those in the 10-14 age group. In 1970 our courts will have handled an estimated one million juvenile cases.

I wish to state here that despite criticism to the contrary, the Congress has been aware and concerned about this critical situation.

During the past decade, two major Federal laws have been enacted in an effort to encourage local efforts intended to involve entire communities—namely, the police, courts, welfare agencies, health departments, schools, employment offices, business leaders, civic groups, and any interested individuals, in preventive juvenile delinquency measures.

The first of these was the Juvenile Delinquency and Youth Offenses Control Act of 1961 which authorizes grants of \$10 million per year for three consecutive years to communities for the purpose of helping develop techniques and training personnel to control and prevent juvenile delinquency.

In 1968, the Juvenile Delinquency and Control Act authorized the allocating of \$150 million in block grants to accomplish essentially the same purpose.

Yet despite previous efforts, our juvenile crime rate continues to increase.

As dismal as the number of youthful offenders is, it is even more disheartening to learn that predictions indicate that 78 percent of those convicted will be institutionalized again.

We in the Congress must continue in our concern for our youth. We, in my opinion, can best do this by passing this bill which will provide this Institute for the Continuing Studies of Juvenile Justice. This bill would establish the means of providing additional education and training for those persons now working in the field of juvenile delinquency and with equal importance it would create a central house of data pertaining to the prevention and control of juvenile delinquency and crime.

I am also appalled at the rate of increase in the drug problem among our juveniles and the drug-related deaths among teenagers in this country. In the Congressional District which I represent, which includes Broward County and part of Dade County, Florida, which are the two most populous areas in the State, only four narcotic deaths were recorded during the period from 1956 to 1967, but since 1968 there have been more than 73 deaths caused by the misuse of drugs and most of these deaths were to those under the 25-year old age bracket, and many were teenagers.

The Report of the Senate Judiciary Committee's Subcommittee to Investigate Juvenile Delinquency in 1967 contains the statement that the "adult population of today is often simply the final product of the juvenile delinquency population of yesterday, a monument of failures of our social institutions."

The Subcommittee further warned: "Unless we can learn to correct the institutions and rehabilitate the youth, we can expect an adult criminal population in the near future of unprecedented proportions."

It is interesting to note that at the same time the Department of Justice in its report revealed that four out of five, or 80 percent, of convicted felons had been previously arrested for the commission of a crime when a juvenile.

In 1967 the President's Crime Commission reported that persons who work closely with juvenile offenders, namely, Judges, social workers and probationary officials, often do not have access to the up-to-date data they need. The Institute for the Continuing Studies of Juvenile Justice would provide this information.

I am mindful of the fact there are two schools of thought in determining the method of treating youthful lawbreakers, these being (1) the public demand that young hoodlums, upon conviction, be imprisoned for their crimes, particularly in those cases involving assault and other acts of violence; and (2) those who object to treating young violators as hardened criminals and incarcerating them along with dope addicts, sex perverts, prostitutes, and other convicted felons where their rehabilitation becomes more difficult.

I honestly feel that the community-based program of information in the rehabilitation of young offenders is undoubtedly the most promising, and I would hope that such a program would serve to upgrade the knowledge of the personnel who must work with juvenile delinquents. I am sure the distinguished members of this Subcommittee are aware that one of the more pressing problems of correctional institutions has been the recruitment of personnel. A recent poll emphasized the low esteem that both adults and teenagers have for correctional and rehabilitation workers. Teenagers rated them last in a field of 11 occupations,

and less than one percent of all teenagers polled considered such work as a future career.

It is possible that one solution to this crucial manpower shortage would be the recruitment of youths who have themselves been rehabilitated. H.R. 15124 would go a long way in this regard to upgrade the personnel in the many working facets of working with juvenile offenders and it will induce ex-juvenile delinquents to seek work in one of these fields.

The ultimate rewards for the creation of an Institute for the Continuing Studies of Juvenile Justice are unlimited.

I wholeheartedly urge the passage of this legislation because I feel that these rewards to our citizens will be in the form of a lower crime rate and a reduction of those offenses committed by our youth as well as their rehabilitation which will return them to society as productive and useful citizens.

Surely the future of the lives of our young people is worth the gamble.

STATEMENT OF HON. JAMES C. CORMAN, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA, ON H.R. 15124, JULY 15, 1970

Mr. Chairman, thank you for allowing me to testify before the Committee on the bill to establish an Institute for the Continuing Studies of Juvenile Justice, which I co-sponsored with a number of my Colleagues earlier in the 91st Congress.

The need to reexamine our system of criminal justice, especially as it concerns juveniles, has become a matter of pressing importance. Over the past few years, the rising crime rate and rate of recidivism among youth have served as ample proof of the inadequate, anachronistic character of our present method of handling juvenile crime. The time has come to reformulate the system to meet modern day needs. The establishment of an Institute for Continuing Studies of Juvenile Justice is the first step that must be taken to effect such a reformulation.

The Institute would conduct a two-pronged attack on the problem of juvenile crime. It would serve as a research and data center whereby all related information could be gathered and analyzed. A very important aspect of such research would be, I believe, an analysis of the effect of the age of majority on our capabilities to rehabilitate young offenders. With juvenile crime the single most pressing and threatening aspect of the Nation's crime problem, studying the problem is a prerequisite for any kind of intelligent action.

As well as serving as a study center, the Institute would offer special training at state and local levels to such persons as police, probation and correction officers so that the information garnered could be effectively disseminated to law officers so as to allow the program to have its effect on a practical level.

One important aspect of the establishment of such an institute is to insure that it has proper direction. The bill I have proposed accounts for this need. Besides a Director, it provides for a well-balanced group of experts from associated fields which will act in an advisory capacity.

I believe that the Institute, as outlined in the provisions of the bill, can be the instrument with which we can begin to attack the root causes of recidivism of juvenile offenders. We must start to meet the problem of the sky-rocketing juvenile crime rate. The Institute for the Continuing Study of Juvenile Justice would be such a start.

Thank you.

JAMES C. CORMAN,
Member of Congress.

STATEMENT OF HON. EMILIO O. DADDARIO, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CONNECTICUT, ON H.R. 15125

Mr. Chairman, I appreciate this opportunity to appear before your Committee in support of the bills to create an Institute for Continuing Studies of Juvenile Justice. Along with many of my colleagues I have joined in co-sponsoring this legislation and urge its favorable consideration by your Committee.

Today in the United States we have evolved a separate, distinct system of justice for dealing with the problems of serious misbehavior among our young people. We bring such persons before juvenile courts, investigate complaints under special procedures euphemistically described as "civil" in nature, pass judgment, and perhaps "refer" the juvenile to facilities called "homes" for deten-

tion, counseling and assistance in adjusting to societal norms for behavior. This system of juvenile justice is in theory sharply distinguished from the system of criminal justice through which society detects, tries, convicts and punishes adult offenders.

It should be remembered that this dichotomy between the adult and juvenile criminal justice systems has not always been a part of our Anglo-American law. At common law, persons under the age of seven were conclusively presumed incapable of crime, while persons above that age were tried and handled according to the same procedures applied to adult offenders. Around the turn of this century the juvenile court reform movement began. The goal of that movement was humane reform of the juvenile corrections process. Children found to have committed anti-social acts would no longer be treated like adult criminals, but rather as young "delinquents". They would not be subjected to public shame and punitive detention, but rather would be treated by a special arm of the State—a "family court" which would hold hearings, make inquiries, and do what was best for the child. The process, in theory, looked to reform and rehabilitation, not retribution. Acting in place of the child's natural parents, the state would assume custodial supervision of the delinquent child, and through foster care insure that he would be returned to society as a productive and well-behaved individual.

That was the theory, but as is all too often the case, something went wrong. The procedures designed to protect the child often became devices by which basic rights could be defeated. Informal judicial proceedings became means for disciplining juveniles without fundamental safeguards to insure that they were treated fairly. Paltry sums were appropriated to the juvenile justice system, and as a consequence the "rehabilitation" centers frequently turned out to be only variants of existing jails and prisons. The goal of redemption somehow was not achieved and frequently the young offender was returned to society as a confirmed delinquent or hardened criminal.

For a long time the juvenile justice system remained an unexamined, invisible part of our legal structure. Recently, spurred by the efforts of concerned citizens and heightened by the effects of the Supreme Court's landmark decision in *In re Gault*, 387 U.S. 1 (1967), steps have been initiated to reform the entire juvenile justice system, to attempt to rehabilitate the system itself in order to achieve the basic goals it was designed to serve. And yet at the same time that some are concerned about reform, others urge abolition of the system. Increasingly our young people assert their maturity and ask for privileges now denied them. In response some argue that the concept of "juvenile delinquency" is itself an incongruity in a society moving constantly toward recognition of responsibility and privilege at an ever-earlier age. The juvenile justice system itself is caught between these and other conflicting forces, and like most institutions, is hampered by internal inertia and resistance to fundamental change. At such a time in our history it is most appropriate that Congress take action designed to focus attention on the problems of juvenile justice and provide appropriate facilities for in-depth study of those problems.

Recently I had the opportunity to visit the juvenile correction facilities in my own State of Connecticut along with the members of the House Select Committee on Crime. While visiting those facilities I observed firsthand both the achievements and the substantial problems that still confront us. One of the more pressing needs is the involvement of increased numbers of men and women of concern, ability and experience. While there are such people presently working in the juvenile system, their numbers are too small and their workloads too great. Moreover, like so many of us, they urgently need more time and opportunity to study their own jobs, look intelligently at the problems presented, and think creatively about new solutions. The daily problems of administration are so vast that insufficient attention is given to planning or reform, especially reform of a fundamental nature. The time has come to rethink completely the basic assumptions on which the juvenile justice system operates. We need to ask just what it is we want the system to achieve before we look for new ways of making the present system work. And we need to take a hard look at those overt acts of juveniles that trigger the present system into operation. Are our definitions of "delinquency" suited to today's needs? Does the system involve itself too intimately in affairs that are only private family concerns? Or, perhaps, do we need to become more involved? Study and answers to questions of this nature must be the starting point for any of the activities of the Institute.

An equally important function of the Institute will be the exchange of information and ideas among people now involved in juvenile justice. My own experi-

ence indicates that communications between juvenile agencies in the various states are inadequate, as are the communications within each state between the juvenile and adult systems. Similarly involvement of people in related fields, especially the social and family sciences, has not been fully explored. The information and data gathering facilities of the Institute will provide a necessary foundation for these activities.

This characterization of the present situation is by no means uniquely applicable to the juvenile justice system. Many existing institutions, private as well as governmental, suffer from the same basic problems. I do not mean today to single out the juvenile justice system for criticism or condemnation. Rather I want only to highlight the importance of the legislation now before this Committee. Psychologists tell us that man's basic attitudes and behavior patterns are almost completely formed by age six, and are perhaps unchangeable after adolescence. The influence of early experiences and guidance during the formative years thus cannot be underestimated. If we truly want to attack the crime problem of the future, if we truly want a peaceful and safe society, then it is vital that we learn now how to deal with the problems of misbehavior in our youth. Intelligent response to these problems demands study, research and reflection. The proposed Institute would be an invaluable means of furthering such study. By providing formal courses in juvenile justice in addition to the opportunity for persons active in this area to exchange information and experience, the Institute would serve as a springboard for the intelligent change that is so needed. I heartily endorse this legislation and urge that it be speedily reported favorably and enacted.

STATEMENT OF HON. SEYMOUR HALPERN, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NEW YORK, ON H.R. 15125

Gentlemen, it is my pleasure to testify on behalf of H.R. 15125, which would establish the Institute for Continuing Studies of Juvenile Justice. Of paramount concern to every citizen in America today is the spiralling crime rate. Crime threatens to corrode our society. Lawlessness is undermining the very values this country represents, and the fear of crime is destroying our own stability and sense of personal well-being.

Last year one violent crime was committed every 54 seconds. From 1960-69, the population rose 13 percent while violent crime increased 131 percent! In 1969 the crime rate increased 11 percent over 1968. And, already in the first three months of this year, we've experienced a 13 percent increase in serious crimes.

The most frightening aspect of these statistics, however, is the growth of crime among our youth. From 1960-1968, F.B.I. arrests of juveniles increased 78 percent; the population increase, however, of the 10-17 year old age group was only 25 percent. In 1968, nearly one-fourth of all arrests for serious crimes were of persons 15 years and younger; one-half of all arrests were of persons under 18; and over three-fourths of all those arrested were under 25. The President's Commission on the Causes and Prevention of Violence reported that urban arrests for homicide are much higher among the 18-24 age group than any other. For rape, robbery and aggravated assault the 15-24 age group displays the highest statistics. In its Task Force report on juvenile and youth crime, the President's Commission on Law Enforcement and the Administration of Justice estimated that in the inner city as much as 70 percent of the young people find themselves in trouble with the law before their 19th birthday. Rough estimates by the Children's Bureau of the Department of Health, Education, and Welfare, indicate that one in every nine youths—one in every 6 male youths—will be referred to juvenile court in connection with a delinquent act (excluding traffic offenses) before his 18th birthday.

Juveniles are responsible for a disproportionate share in the total crime picture and are a predominant contribution to the high crime rate we are witnessing today. It is no wonder that the President's Commission on Law Enforcement and the Administration of Justice declared: America's best hope for reducing crime is to reduce juvenile delinquency and youth crime.

These soaring crime statistics clearly indicate the seriousness of our problem and demonstrate the failure of our preventive efforts.

An equally obvious failure is our rehabilitative effort. According to a recently released F.B.I. report of the offenders released from institutions in 1963 who were under 20 years of age, 72 percent were rearrested within five years—the highest amount for any age category. This means that almost three-fourths of these

youths deliberately chose to continue down the path of a life in crime. What we must realize is that unless we can learn to correct the institutions and rehabilitate the youth—and, most importantly, prevent the growth of juvenile crime in the first place, we can expect to see in the near future an adult criminal population of unprecedented proportions.

We do have a multitude of programs designed to combat juvenile delinquency. But they are scattered throughout many departments and agencies and lack coordination and communication. What must be made available to them is guidance and assistance on a coordinated basis. The creation of the Institute for Continuing Studies of Juvenile Justice would meet this pressing need. The Institute would conduct a two pronged attack on crime.

1. It would serve as a clearinghouse or information bank by collecting systematically data obtained from studies and research by public and private agencies on juvenile delinquency, including programs for the prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders. It would put these data into useable form and disseminate them to individuals, agencies, and organizations concerned with juvenile delinquency on the State and local level; to those who can put it to work in their everyday dealings with the juvenile offenders. The Joint Commission on Correctional Manpower and Training pointed out that legislators cause large sums of money to be spent on ineffective corrections methods by continuing to pass laws and execute mandate policies without consistent guidelines and the means to test program effectiveness. The Institute will provide these needed guidelines. Its element of centralization will be the vital step needed to wage an effective battle against juvenile delinquency on both the preventive and rehabilitative fronts.

2. The second purpose of the Institute would be to provide expert graduate or continuing education and training for persons working to fight juvenile delinquency at the State and local level. Its operation would be patterned after the very successful F.B.I. Academy and it would offer training by experts to local law enforcement officers, judicial personnel, welfare officials, correctional officers, probation officers, and others connected with the treatment and control of juvenile offenders. The Institute would also devise and conduct, in various geographical locations, seminars and workshops, and would make available technical aid for State and local juvenile delinquency programs. This multidisciplinary approach, I believe, will result in an understanding of the problems faced by each group in its association with these youngsters and will provide a means for the valuable exchange of ideas on measures to prevent trouble by minors.

The Institute shall be under the supervision of a Director, appointed by the President with the advice and consent of the Senate. He will serve a four year term. The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission, consisting of the Director of the Institute, the Attorney General, Directors of the U.S. Judicial Center and the National Institute for Mental Health, the Secretary of Health, Education, and Welfare, and 14 others having experience in the field of juvenile delinquency.

The Institute for Continuing Studies of Juvenile Justice is an excellent opportunity to mobilize our existing resources to combat and control juvenile crime and redirect the delinquent element of the younger generation into purposeful and constructive activity. We simply cannot afford not to expend our time and energy to reach our young people. They are our Nation's future. It is their conduct that will affect our society for a long time to come; and, it is they who are primarily responsible for half of our country's crime rate. We cannot realistically expect to reduce crime if we do not have the means to combat juvenile delinquency. The Institute is not a study nor a research effort. It is an action program, which by rooting out the causes of juvenile delinquency, is designed to strike at the very heart of America's crime problem. I urge your support of this worthy effort.

STATEMENT OF HON. RICHARD T. HANNA, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA, SENSITIZING JUVENILE JUSTICE, DECEMBER
9, 1969

Mr. Chairman, I am privileged today to cosponsor legislation which will establish an Institute for Continuing Studies of Juvenile Justice. No area of our judicial codes has been as neglected as those dealing with juveniles. While our neglect has reduced the administration of juvenile justice to the most archaic and arbitrary form, the rise in juvenile crime has skyrocketed.

This past weekend, the Washington Post reported that juveniles are responsible for more than 40% of the District's major crimes. A number of specific cases were used to illustrate the shambles in which juvenile justice is now administered. In almost every instance the young offender was given a minimum of attention until he commits a number of crimes. Rarely is there time for counseling, guidance, rehabilitation, and almost never will this young person receive the individual attention and treatment he so desperately needs.

Congressmen, as a rule, rarely intercede in their communities administration of juvenile justice. I seriously doubt, however, if any of the Members have not had at least one instance during which parents of a juvenile offender pleaded for the compassionate and understanding treatment of their child. And when one investigates, he often finds that the child has been a victim of agonizingly slow justice. I have found many of these youngsters living in institutions that, because of lack of resources, have been drained of almost all the elements of compassion and humanity. Here they remain until an understaffed, underfinanced juvenile court can handle their case. Sometimes it takes as long as a year, and by then this stark experience has taken root in an impressionable mind and the emotional and social damage is almost irreversible.

Perhaps a case history at this point in the record will help to dramatize the point I am making. An eleven year old girl, quite intelligent and very sensitive to an unfortunate home environment became hooked on drugs. While under the influence of these drugs she was apprehended during a shoplifting spree at a chain drug store.

Her parents immediately responded to their daughter's arrest and she was released to their custody. A few days later, she ran away from home. When she was found, she was "stoned" on drugs and subsequently turned over to the juvenile authority. This time it took more than a month for her parents to regain custody. During this time, the girl was detained in an overcrowded, pitifully understaffed "home." After her release into the custody of her parents (mind you there had still been no hearing on her first offense) she took the first opportunity and ran away again. She has now been indefinitely detained at the "home." That was seven months ago and she is still waiting for a hearing.

During this period the girl and her parents had one interview with a court appointed psychiatrist. They had only one interview because that was all they could afford. The psychiatrist charged \$35 an hour.

That has been the sum total of the "attention" provided this eleven year old girl. In the one hour interview, the psychiatrist concluded the girl was emotionally ill and in need of immediate expert assistance.

Yet nothing was done to assist her. And her detention in the "home" has only reinforced her sickened attitudes.

This is the way we treat our children.

I can only conclude our present system of juvenile justice is outdated and irrelevant. It is woefully underfinanced and understaffed. It is painfully slow and irritatingly arbitrary. It is miserably insensitive. The example reported illustrates that no distinction is made between a child and someone in their upper teens. In fact, consideration of individual circumstances is rarely recognized. And there lies the crushingly depressing state of juvenile justice—to the point of near crisis.

As one views the tremendous lack of concern in so many areas of domestic policy, one can't help wondering where to rank meaningful and sensitive administration of juvenile justice. I personally believe it must rank near the top. A society insensitive to the problems of its problem young cannot consider itself civilized.

Obviously, the bill I am introducing will not solve all the many complex issues involved in the administering of juvenile justice or controlling juvenile crime. It is, however, a start.

STATEMENT OF HON. MARGARET M. HECKLER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MASSACHUSETTS ON H.R. 15125, JULY 29, 1970

Mr. Chairman, the attack on juvenile delinquency offers our best hope for containing the problem of crime in America. However, I believe we need broader and more innovative means to deal with juvenile crime.

This is the purpose of H.R. 15125, a bill to create an Institute for Continuing Studies of Juvenile Justice and provide advanced training for persons in this field which I am privileged to co-sponsor. I am pleased that approximately 100 Members have introduced or are co-sponsoring bills identical to mine. I strongly urge the bill's enactment.

I think the essential needs of those in the juvenile field are to acquire greater understanding of the underlying causes of youth hostility toward society and of what constitutes effective guidance of the first offender to keep him from returning to patterns of antisocial behavior—becoming a “two-time” loser, or even a “three-time” loser, in a career of crime. Surely, over the years, we have built up vast stores of knowledge and experience regarding the causes of juvenile crime and the prevention of recidivism. Yet, we have failed to fully utilize this data.

It is time we did. Juvenile crime rates have risen steadily in recent years. Studies by the Children's Bureau and other independent agencies suggest that as many as one out of every six male youths—and one out of every nine of both sexes—will at some time be referred to a juvenile court in connection with a delinquent act (excluding traffic offenses) before he reaches his 18th birthday. The FBI says that about one-half of all serious crimes in the U.S. involve youths under age 18.

It is appalling to note what former Attorney General Ramsey Clark, testifying at a Senate hearing, called the “incredible” fact that four out of every five persons convicted of felonies—80 percent—were previously convicted of crimes, usually a misdemeanor and most often at a young age.

My own experience, before my election to Congress, was as a member of the Massachusetts Governor's Council. I became all too familiar then with the grim statistics on juvenile crime. I saw the pertinent problems.

Thus, it seems to me that our accumulated experience with juvenile crime—the knowledge accumulated by those in law enforcement, the courts and correctional institutions in the states and local communities—should be put to work to benefit others in the field. I commend our distinguished colleague from Illinois (Mr. Railsback) for proposing means to do so.

The nation, for example, must develop means to deal wisely and well with the new juvenile problem involving violations of narcotic drug laws. This new problem must be understood, and here I think it is particularly imperative to share our experience. Massachusetts can learn from Kentucky or California, and vice versa. Our major crime legislation, like the Juvenile Delinquency Prevention and Control Act of 1968, correctly places the major responsibility for crime control and prevention at state and local levels, yet it fails to provide a national means to collect and disseminate crime information at all levels. This would have far-reaching effects. The bill provides such a system.

In addition, the Institute for Continuing Studies of Juvenile Justice would offer advanced training for law enforcement officers, juvenile welfare workers, juvenile judges, and probation and corrections personnel. It would send out training teams to work at state and local levels. I think this kind of continuing education and training can best be provided by a national Institute which has collated the nation's experience.

I think we must learn to assist the youthful first offender, who is turning a critical corner of his life, with greater skill and compassion. By enhancing the expertise of those in the field, I believe we can meet this urgent need and offset the difficult problems resulting from shortages of qualified personnel and overloaded courts and institutions.

The bill is innovative, Mr. Chairman, in approaching problems of great present and future consequence to the nation. Crime and juvenile crime are interrelated, and need vigorous attention. The bill offers vital new tools.

STATEMENT OF HON. THOMAS J. MESKILL, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CONNECTICUT, JULY 23, 1970

Mr. Chairman, I appreciate this opportunity to testify on a subject of great concern to me—that of the youthful offender. We have been witness to much heated discussion recently on the pros and cons of controversial crimefighting proposals. Can wire-tapping be condoned in the fight against organized crime? Is the no-knock provision essential to the success of the effort to combat drug abuse? Will preventive detention be an effective deterrent to repeated offenses?

I think it would be to our advantage to pause a moment and consider the proverbial “ounce of prevention.” How many of our hardened criminals were youthful offenders? How many of them, had they been provided with adequate rehabilitation and treatment facilities, would today be a menace to society? If we can get at the root causes of juvenile delinquency, we can strike a devastating blow to crime.

Of all the statistics in the crime picture the one that is the most incredible is that four out of five, 80 per cent, of the people convicted of felonies were at an earlier

time convicted of another crime, nearly always a misdemeanor and nearly always while they were under 21. We are talking about the predictability of 80 per cent of our serious crimes! Another frightening statistic is the fact that the number of juveniles arrested for all offenses has more than doubled since 1960.

It is high time to examine our current methods of dealing with delinquents for it is a fact that mere involvement of a youth with the juvenile justice system increases the chances that he will return to that system. The recidivism rate among youths who have been institutionalized runs as high as 50 per cent.

The need to reorient our approach to the treatment of juvenile delinquents was forcefully impressed upon me just recently when I had the opportunity to accompany the Select Subcommittee on Crime on a tour of Meriden School for Boys and the Long Lane School for Girls, both correctional institutions in my home state of Connecticut.

Visiting these two correctional institutions for youths was an educational, albeit depressing, experience. There is evident lack of staff, staff training programs, and funds to adequately equip these two schools. Moreover, neither institution has a volunteer program of any consequence.

Although the staff of the two facilities appear sincere and dedicated, I cannot help but feel that on the whole there is little knowledge of latest correctional techniques. Especially at Meriden School the emphasis seems to be primarily one of custody.

Dirty, dingy and depressing is the overall impression one receives from Meriden School. There is lack of recreational, vocational and rehabilitation programs. It is not surprising that the recidivism rate is high. Long Lane, on the other hand, is much more attractive. The girls have rooms of their own and the school's home economics program is especially noteworthy. A primary concern at Long Lane, however, is the lack of fire protection; the buildings are old and have no sprinkler system.

I am encouraged by the fact that Connecticut has instituted a program to develop the community and institutional programs necessary to combat delinquency by establishing the Department of Children and Youth Services. I have been advised that this Department plans to present a comprehensive program to the 1971 General Assembly, emphasizing community based treatment and prevention. I am further encouraged by the fact that Meriden School for Boys has a new superintendent and, therefore, I anticipate improvements in morale and rehabilitation methods at that institution.

The problems of juvenile correction and rehabilitation are extremely complex. With the growth in population, the increased complexity of our social structure, and the social unrest of our time, greater attention has been focused on the need for a broader based effort in delinquency prevention and control. A better understanding and coordination of effort on the part of governmental units and private agencies concerned with children is necessary if needs are to be met. The role played by each member of the team must be understood if goals are to be attained.

The effort to control juvenile crime must run the whole gamut of dealing with people who become antisocial and commit crimes. They must be convinced that our primary interest is not their punishment, but rather that our foremost aim is to educate them, help them find employment, rehabilitate them. This effort must encompass the police department, the probation department, the court system, and the acting supervisory system.

Allow me to attempt to demonstrate the need for a new approach to the problem of juvenile justice by citing the shortcomings of just one of these areas: the court system. In its publication, "Goals and Recommendations," the National Council on Crime and Delinquency stated, "Juvenile judges are frequently undertrained. Some twenty percent are not even lawyers. Eighty percent of the juvenile courts do not have the diagnostic services—two-thirds of the probation services that they need. Juvenile Court dispositions are often made with inadequate information. Without sufficient justification, too many children are adjudicated delinquent with a permanent stigma on their records and too many children are detained and sent to training schools."

I feel very strongly that the legislation we are considering today, to establish an Institute for Continuing Studies of Juvenile Justice, would be an effective instrument in redirecting our whole approach to the problem of juvenile delinquency. In providing a short term training program similar to that of the FBI Training Academy, this legislation would create the vehicle by which we could provide, at the national level, the necessary training of professionals who then could return to their states and fulfill their responsibilities of updating the

training and performance of the professionals in the area of juvenile delinquency prevention, control and treatment. We do not have one single agency at a national level which has as its sole responsibility juvenile delinquency prevention, control and treatment. The Office of Juvenile Delinquency and Youth Development is primarily a funding agency and does not have the authority or the ability at this time to fulfill the functions which are encompassed in this bill. There is the additional possibility that if a National Institute were to be created and made an independent Federal Agency, the juvenile delinquency responsibilities now being fulfilled by the Department of Health, Education, and Welfare and the Justice Department could be transferred to this agency. We would then have one comprehensive Federal Agency to fund state programs, to study and determine the causes of juvenile delinquency, and to offer training programs for the professionals in the field.

The proposed Institute would offer advanced training to law enforcement officers, juvenile judges, probation personnel, correctional personnel, welfare personnel and lay personnel working to combat juvenile delinquency. Many of our professionals are not responsive to change and we find resistance to the idea of new and innovative approaches. This is due largely to the fact that many of our personnel were improperly trained before they entered the field and have not kept up with the latest correctional techniques. The Institute would provide continuing education and training for persons now working in the juvenile delinquency field and serve as a coordinating center for the collection and the dissemination of useful data regarding the treatment and control of juvenile offenders.

The basic responsibility of an enforcement officer, of course, is the enforcement of the law and the protection of the rights and properties of people who live or travel through a community. The Institute would recognize the broader concept of their responsibility—to make direct contact with young people on a personal basis.

A variety of tactics have been employed by the states in approaching the problem of juvenile justice, ranging from the most traditional to the most experimental. Unfortunately no attempt has been made to give the states the opportunity to benefit from one another's experiences, to adopt a program that has been proved successful in some other area. The Institute would serve as a clearing house or information bank for existing data, including studies by private and public agencies on juvenile delinquency, as well as conduct seminars and workshops. The Institute would serve to eliminate inefficiency of operation and frustration of efforts in developing effective programs. Much of the present inefficiency and frustration can be traced to the fact that services are neither uniform nor adequate due to the fragmentation in methods of supplying these services. Through its provisions for training, this legislation would aid in creating new manpower resources and upgrading the competence of personnel working with delinquent youth.

I urge this Committee to give favorable consideration to this legislation to create an Institute for Continuing Studies of Juvenile Justice. Historical patterns suggest that repressive law enforcement alone is not the answer. It breeds more violence than it checks. Let us work to close the gap between what is being done and what *might* be done to curb delinquency and youth crime.

STATEMENT OF HON. JOHN E. MOSS, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA, JULY 23, 1970

Mr. Chairman, as a cosponsor of the proposal to create an Institute for Continuing Studies of Juvenile Justice, I am pleased to present my ideas on its merits. Seldom do we see legislation with the overwhelming bipartisan support that this measure is receiving. I think that such support exemplifies the recognition of this Congress that a comprehensive Federal attack on crime in this country must include a special effort to deal with the juvenile delinquent.

I say "special" effort because delinquents have particular problems which call for carefully planned and executed programs. They are, after all, children and should be the most malleable group of offenders. More often than not, delinquency is the product of a child's inability to cope with the normal problems of growing up as they are confused and intensified by a poor environment. This environment could include an unhappy home, a bad neighborhood, disreputable friends, inadequate attention at school or simply the atmosphere of discrimination and

lack of opportunity associated with these things. Perhaps we cannot change what has caused the child's delinquency, but hopefully we can help him change his attitudes, and prevent other children with problems from becoming delinquent.

I feel that the proposed Institute for Continuing Studies of Juvenile Justice will go a long way in making this hope a reality.

The aim of the Institute is communication, an essential for effective action on a national scale. In its capacity as a national information and training center, this agency would coordinate valuable data on delinquency programs throughout the country, and disseminate it to professional and lay people working in the field.

As a national data bank, the Institute would collect information from programs which have been successful in the areas of prevention and rehabilitation of juveniles. It would publish this information and make it available, in a central location, to those in need. Considering that delinquency programs are developed and implemented at the State and local level, this should be a most valuable service. At this time there is no comprehensive source which reports the activities of the State and local programs. This would enable a community which is developing a program to investigate successful programs in other communities with similar problems. In addition, the community could obtain technical assistance in developing their delinquency program directly from the Institute which would send training teams to the localities.

The second purpose of the Institute is to act as the national training center for persons working with juvenile delinquents. It would provide short term courses in various areas—law enforcement, the courts, corrections and general prevention. Candidates for the Institute, nominated by the State criminal justice agencies, would be able to receive intensive and expert training. Their curriculum would be determined by the nationally known professionals who make up the Institute's Advisory Committee.

The Institute for Continuing Studies of Juvenile Justice represents an innovative program which fills a vital gap in our national efforts towards delinquency control. All of the money, time and effort we have provided and are providing will be to no avail if we cannot communicate the problems and solutions we have discovered to others. We must make local successes in delinquency programs national ones and I feel that the proposal now before us will be instrumental toward this goal.

STATEMENT OF HON. JERRY L. PETTIS, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA, JULY 23, 1970

Mr. Chairman, I would like to respectfully urge this Subcommittee to favorably recommend H.R. 15126, which would establish an Institute for Continuing Studies of Juvenile Justice.

We may all concur that juvenile crime is rising at an alarming rate. This does not merely result in a cost to the victims of these crimes, it means a cost to society as a whole if thousands of young people become mired in a life of perpetual criminal activity.

Many efforts are being made to isolate the causes of juvenile delinquency and to institute procedures whereby young offenders may receive the attention necessary to deter them from again committing criminal acts. Individuals possessing experience and technical expertise have developed new methods of dealing with these youngsters and new techniques of training people to assist them.

Juvenile crime is a matter of national concern with similar problems in all sections of the country. There thus is a marked need for a national center to coordinate the various approaches to the problem being made, to act as a conduit for information that would be helpful to other areas of the country, and to provide innovative training procedures for the individuals from the many disciplines involved in helping these young people.

There are two main thrusts to this bill which sets up a National Institute:

The first would provide a center to which all relevant information, studies, and proposals would accrue. This could be used as a source for anyone wishing to glean knowledge in a specified area, whether it be of a certain aspect of delinquency or a particular type of treatment or control. It is easy to see how invaluable this would be to the various and diverse parties who are attempting to deal with this problem.

Secondly, the Institute would include persons from every segment of our society who are striving to eliminate this ill—policemen, social workers, probation officers, juvenile court judges, and officials of our correctional institutions. They

would be able to engage in an interchange of ideas and experiences, and most importantly, be able to receive advanced training in this field.

For the foregoing reasons I earnestly request this Subcommittee to favorably recommend this bill. The establishment of the Institute would be a constructive step in the war that all of us agree must be won, for we all have a vital stake in the lives of our young citizens.

STATEMENT OF HON. JAMES W. SYMINGTON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MISSOURI, JULY 30, 1970

Mr. Chairman, no one can doubt the deep and pervasive concern with crime which afflicts American society today. The breadth and depth of this public feeling reflect the citizen's realization that mounting statistics affect him—that as crime trends climb upward, each individual's chance of becoming a victim likewise rises. His chances of becoming a victim have increased 100% since 1960.

My home state and district do not fare well in the crime picture. While Missouri ranked fifteenth among states in 1968, St. Louis ranked tenth among cities of 250,000 or more, and is projected to rank sixth in the 1969 tabulations. The St. Louis metropolitan area shares this trend. In 1968, its crime rate was 29.7% above the national level. As national statistics illustrate, the suburban areas are no longer immune to rises in criminal activity. In St. Louis County, crime has increased by 30% during the first three months of 1970, while the nation-wide increase was 13%.

But as former Attorney General Ramsey Clark has noted, "the most incredible" of crime statistics is that 80% of the persons convicted of felonies had previous convictions—usually a misdemeanor, and "nearly always while they were kids." Nationwide there was a 78% increase in the number of juvenile arrests from 1960 to 1968, while the number of individuals in this age group—10 to 17—increased by only 25%. Moreover, 72% of the 18,333 offenders studied under the age of 20 who were released in 1963 were rearrested within 5 years.

Statistics reported by the Crime Analysis Bureau of the St. Louis Police Department show that in 1969, 36.7% of the serious crimes were committed by persons 17 years old or younger, and 24.9% were committed by youths in the 17 to 21 age group. In St. Louis County, juveniles accounted for 30% of arrests in 1969.

An unquestioned element, especially in juvenile crime, is the narcotics problem. St. Louis County is not isolated from this problem. Several months ago NBC News conducted a series of special programs on drug abuse and youth, using St. Louis County and the City. In Clayton, one of our most affluent areas, there were nearly 1,000 arrests last year for narcotic law violations in comparison to 16 arrests three years ago.

The figures on juvenile crime are shocking—not only because they force us to realize that many of our youth are so alienated from society that they seek an outlet in anti-social acts, but also because we know that juvenile delinquency is merely the first phase of a cycle of alienation. Juvenile criminals usually grow up to be adult criminals. But the progression does not end there. What of their children? A whole generation bred with attitudes and experiences which cannot lead to a life of social responsibility. At some point, we must step in and break this cycle. Our best hope in reducing crime is to reduce juvenile crime.

Awareness of the problem is insufficient, however. The focus, beyond informing ourselves of the magnitude and immediacy of crime, must not be aimed merely at arrest and punishment of offenders, but at both ends of the crime continuum: prevention and rehabilitation of offenders in the interest of avoiding a recurrence. Our emphasis must be to prevent crimes from being committed—rather than to punish offenders after the damage has been done. But prevention requires knowledge—especially knowledge of causes. To this end, we need new and imaginative programs at all levels—federal, state, and local. Mere theoretical speculation about the causes of juvenile crime is not enough—nor is a prescription for only "more of the same". It is indisputable that more policemen, more jails, more street lights are essential—but these are not sufficient.

The current proposal for an Institute for the Continuing Study of Juvenile Justice, which I have co-sponsored, has the potential to answer the many questions about juvenile delinquency and recidivism. The proposed Institute would serve a two-level purpose. First, it would be a center to collect and disseminate data regarding the treatment and control of juvenile offenders. Secondly, it would serve as a training center—a combination of "graduate study" and in-service training for personnel involved in any facet of juvenile justice.

The "information bank" element of the Institute would fill a tremendous gap. The President's Commission on Law Enforcement and Administration of Justice acknowledged severe limitations in their attempts to gain information about the delinquency problem. The only juvenile statistics regularly gathered on the national level are the FBI's Uniform Crime Reports, based on arrest statistics, and the juvenile court statistics of the Children's Bureau of the Department of Health, Education, and Welfare. As the Commission noted, these reports contain no information about unsolved offenses, or about the many instances where juveniles are dealt with informally, without referral to a court. Self-report studies are useful, but they have been conducted only locally and sporadically.

And yet one must concede that knowledge of the delinquency problem is fundamental to its solution. John M. Martin and Joseph P. Fitzpatrick of Fordham University, and Robert E. Gould of the New York University School of Medicine have called for the application of the "sociological imagination" to juvenile delinquency. They call for the "field theory" approach—a study of cases of delinquent behavior from an interdisciplinary approach. They would hope through this method to determine the structural roots of delinquency. The Institute for Juvenile Justice—as a center for the assimilation and dissemination of such information—would be of immeasurable assistance to policy-makers in their efforts to frame programs dealing with this form of deviant behavior.

Of more immediate effect, those whose professions involve dealing directly with juvenile offenders—or potential offenders—could take advantage of the Institute's resources. Here authorities could gain a perspective of the full realities of modern life as they relate to the children in their care. Martin Fitzpatrick, and Gould have commented that understanding delinquent behavior in children and adolescents requires a familiarity with the total motivational, situational, and cultural complexes in which it occurs. This perspective would further provide state and local agencies with the tools to develop programs suitable to their own specific needs.

The Institute training center would be modeled on the FBI Training Academy. There law enforcement officers, welfare workers, juvenile judges, probation officers and correctional personnel would be instructed in the latest proven-effective methods of prevention, treatment, and control. As these trained personnel return to implement and adapt programs which have successfully combatted juvenile crime, local communities—where crime must ultimately be confronted—will benefit.

The Institute would be able to draw upon the resources of other governmental agencies—such as Justice and HEW—but its autonomous structure would allow for greater flexibility.

Finally, a word on the title of the proposed Institute. The notion of "continuing" studies reflects the conviction that our efforts to answer the questions about young people's alienation from society must involve an ongoing search. It cannot mean lip-service or a program today—only to be laid aside and forgotten tomorrow.

The term "justice" implies giving each young person what is rightfully his. This is ultimately what we seek through such a program. We endeavor, through knowledge and understanding of the causes of youthful crime, to assure, not only to young people, but to the whole society, what is rightfully theirs—a peaceful nation, relieved of its fear of crime.

STATEMENT OF HON. ROBERT O. TIERNAN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF RHODE ISLAND, ON H.R. 15127

Mr. Chairman, it is my privilege to be a cosponsor of this very vital legislation. Our country has been experiencing perhaps its most chaotic period in history. Never before have we been faced with a greater threat to our very existence than that now posed by this current wave of crime in the streets. As each of us is well aware the greatest percentage of these offenses are not committed by the so called hardened criminal but rather by the novice, particularly the juvenile.

We have no alternative but to attempt to put an end to juvenile crime which will in turn hopefully curb adult crime. The only way we are going to accomplish this is by curing the ills of the present juvenile system with particular emphasis on the rehabilitation process. The methods used for care and treatment must be upgraded. How can this be better emphasized than by citing the fact that



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3 out of every 4 juveniles apprehended for a crime will be rearrested within a few years more likely than not for a much more serious crime.

We owe it to ourselves but most of all to these children to do everything within our power not only to rehabilitate the present offenders but to insure that other young people do not become, to use that onerous term, juvenile delinquents.

The future of our country rests in the hands of the young and we must insure that all possible means are undertaken to make every young person a useful and worthwhile citizen. We have the information on curbing juvenile delinquency so let us use it. I strongly support passage of this legislation.

STATEMENT OF HON. CHARLES H. WILSON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA, ON H.R. 14950, JULY 29, 1970

Dear Mr. Chairman: This letter is to inform you of my strong support of H.R. 14950 and related bills to establish an Institute for Continuing Studies of Juvenile Justice, currently the subject of hearings before your Subcommittee No. 3. I strongly endorse the contents of the statement submitted by my colleague from Illinois, Mr. Railsback. I believe the contents of his presentation clearly and obviously underline the need for the creation of the institute.

The shocking statistics which his statement includes serve to underscore the seriousness of juvenile crime in the United States today. In the inner city, for example, 70 percent of the young people have gotten into trouble with the authorities by the time they are 19. A Justice Department Study further disclosed that 72 percent of these young people are re-arrested within five years of their first arrest. In addition, serious crimes by juveniles increased by 78 percent from 1960 to 1968. The urgency of dealing effectively with juvenile crime cannot be overstated.

In addition to the statistics which the statement contains, there is also the matter of fragmented and uncoordinated programs being presently depended upon to do a job which requires a much more centralized and efficient approach. I am persuaded that the creation of an Institute for Continuing Studies of Juvenile Justice will bring about such an approach. I, therefore, wish to indicate my support for the statement of Mr. Railsback, and for passage of the bill, in the record.

Sincerely yours,

CHARLES H. WILSON.

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